

# EXHIBIT 1

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

- - - - -x

KENNETH C. GRIFFIN, :

:

Plaintiff, :

: Case No.

v. : 1:22-cv-24023-Scola/Goodman

:

INTERNAL REVENUE :

SERVICE and :

U.S. DEPARTMENT OF THE :

TREASURY, :

:

Defendants. :

- - - - -x

Tuesday, March 19, 2024

Washington, D.C.

Confidential Videotaped Deposition of:

CHARLES E. LITTLEJOHN,

called for oral examination by counsel for the Plaintiff,

pursuant to notice, at the law offices of Quinn Emanuel

Urquhart & Sullivan, LLP, 1300 I Street, Northwest,

Suite 900, Washington, D.C. 20005, before Christina S.

Hotsko, RPR, CRR, of Veritext Legal Solutions, a Notary

Public in and for the District of Columbia, beginning at

9:10 a.m., when were present on behalf of the respective

parties:

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A P P E A R A N C E S

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Orson Braithwaite, Video Technician

Brooke Cucinella, Citadel

Tom McDonald, Citadel

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C O N T E N T S

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Counsel for Defendants	306

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\* (Exhibits attached to transcript.)

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1 P R O C E E D I N G S

2 VIDEO TECHNICIAN: Good morning. We are  
3 going on the record at 9:10 a.m. on March 19th,  
4 2024.

5 Please note that the microphones are  
6 sensitive and may pick up whispering and private  
7 conversations. Please mute your phones at this  
8 time.

9 Audio and video recording will continue  
10 to take place unless all parties agree to go off  
11 the record.

12 This is media unit 1 of the  
13 video-recorded deposition of Mr. Charles Edward  
14 Littlejohn, in the matter of Kenneth C. Griffin  
15 versus Internal Revenue Service, et al., filed in  
16 the United States District Court, Southern  
17 District of Florida, Miami Division, case  
18 number 1:22-cv-24023-Scola/Goodman.

19 My name is Orson Braithwaite representing  
20 Veritext Legal Solutions, and I am the  
21 videographer. The court reporter is Christina  
22 Hotsko from the firm Veritext Legal Solutions.

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1 Counsel will now state their appearances  
2 and affiliations for the record.

3 MR. BURCK: Good morning. William Burck  
4 from Quinn Emanuel representing the plaintiff, Ken  
5 Griffin.

6 MS. SMITH: Good morning. Mary Beth  
7 Smith representing defendant United States of  
8 America.

9 MS. MANNING: Good morning. Lisa Manning  
10 of Schertler Onorato Mead & Sears, on behalf of  
11 the witness, Charles Littlejohn.

12 VIDEO TECHNICIAN: Thank you. Will the  
13 court reporter please swear in the witness.  
14 Whereupon,

15 CHARLES LITTLEJOHN,  
16 being first duly sworn or affirmed to testify to  
17 the truth, the whole truth, and nothing but the  
18 truth, was examined and testified as follows:

19 MS. SMITH: Mr. Burck, just before you  
20 begin, pursuant to the stipulated protective order  
21 entered in this case, the United States is  
22 designating Mr. Littlejohn's deposition transcript

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1 as confidential.

2 MR. BURCK: We certainly can agree to  
3 certain parts of it being confidential. Others  
4 we'll have to take up separately.

5 MS. SMITH: Okay.

6 MR. BURCK: Would -- the  
7 witness' attorney would like to start with the  
8 Touhy -- the alleged Touhy authorization?

9 MS. MANNING: Yes, Mr. Burck. As the  
10 parties are aware, Mr. Littlejohn is present today  
11 and providing testimony on subject matter related  
12 to his employment as a federal contractor for the  
13 United States government. As such, his testimony  
14 is limited by a February 2024 Touhy letter, or  
15 testimony authorization. And I would like to  
16 read, in relevant part, so that everyone is on the  
17 same page, as to what he is authorized and not  
18 authorized to provide testimony.

19 So the letter states that, Pursuant to  
20 delegation order 11-2 and 26 CFR 301.9000-1,  
21 3301.9000-6, you are authorized to appear and give  
22 testimony in the above-captioned matter,



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1 Griffin v. IRS and the United States Department of  
2 Treasury, subject to the limitations listed below.  
3 Additionally, this testimony authorization is a  
4 limited release from your nondisclosure agreements  
5 with the IRS to allow your testimony in this  
6 matter. The nondisclosure agreements remain valid  
7 and in effect for all other purposes.

8 And specifically the letter states that,  
9 Unless prohibited in the next section, you may  
10 testify about the following enumerated topics.

11 One, your educational and occupational  
12 background; two, your work as an employee of  
13 Booz Allen on contracts that it had with the IRS;  
14 three, your collection and disclosure of returns  
15 or return information to ProPublica generally and  
16 without reference to any taxpayer; four, your  
17 collection of the returns or return information of  
18 plaintiff Kenneth C. Griffin and your disclosure  
19 of his returns and return information to  
20 ProPublica; and five, your communications with the  
21 New York Times that do not disclose the returns or  
22 return information of any third-party taxpayer,

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1 i.e., a taxpayer not party to this proceeding.

2 The letter further states that  
3 Mr. Littlejohn is not authorized to testify about  
4 the following subject matters: One, you may -- or  
5 you may not, one, discuss or otherwise disclose  
6 the returns or return information of any  
7 third-party taxpayer, i.e., taxpayer not a party  
8 to this proceeding, including the returns or  
9 return information of any third-party taxpayer  
10 that you collected and disclosed to news  
11 organizations; two, disclose any information in  
12 response to a question which the United States  
13 asserts the attorney-client privilege, law  
14 enforcement investigative privilege, i.e., law  
15 enforcement techniques and procedures, or the  
16 deliberative process privilege; three, testify as  
17 to other cases or other matters of official  
18 business not relevant to the proceeding or not  
19 proportional to the needs of this case; four,  
20 testify in response to general questions  
21 concerning the positions, policies, procedures, or  
22 records of the Internal Revenue Service that are

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1 not relevant to the proceeding or not proportional  
2 to the needs of the case; five, produce any  
3 privileged documents or records of the Internal  
4 Revenue Service; six, testify as to facts of which  
5 you have no personal knowledge; seven, render  
6 opinion testimony; eight, testify regarding the  
7 thought processes of agency personnel or answer  
8 hypothetical questions; and nine, speculate as to  
9 matters of which you have no sure knowledge.

10 MR. BURCK: Thank you, Ms. Manning. The  
11 plaintiff, as the government is aware, has  
12 disputed and objects to the Touhy characterization  
13 of the authorization. And the government has also  
14 informed us that they could not instruct  
15 Mr. Littlejohn not to answer any questions based  
16 on the testimony authorization alone.

17 The testimony authorization does not  
18 create a separate privilege or basis to withhold  
19 IRS information. That is what the government has  
20 represented to the defense -- or excuse me, to the  
21 plaintiff.

22 Mr. Littlejohn is free to answer your

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1 questions -- our questions at will with whatever  
2 guidance he receives from you, Ms. Manning,  
3 subject to section 6103 or privilege asserted by  
4 the government. That is what the government has  
5 represented to the plaintiff, and they've also  
6 further confirmed that they cannot instruct  
7 Mr. Littlejohn not to answer any questions during  
8 his deposition unless there is a 6103 issue or the  
9 answer would require Mr. Littlejohn to disclose  
10 privileged information.

11 MS. MANNING: Understood. And I will  
12 further note for the record that it is my  
13 understanding, at least reading this letter, that  
14 Mr. Littlejohn continues to be bound by the  
15 nondisclosure agreements that he signed as part of  
16 his work with the Internal Revenue Service, of  
17 which we do not have complete copies, but that we  
18 are mindful that those obligations exist, as  
19 modified by the February 2024 letter.

20 MR. BURCK: Understood. And of course,  
21 the government has designated -- or attempted to  
22 designate the entire transcript as confidential,

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1 as you have heard. So our position is that the  
2 confidentiality agreements would not prevent him  
3 and he would not be permitted to not answer those  
4 questions unless, again, the government asserts a  
5 privilege that is specific to the -- to their  
6 prerogatives.

7 All right. With that, I will begin,  
8 unless there is anything further, Ms. Manning.

9 MS. MANNING: No.

10 EXAMINATION BY COUNSEL FOR PLAINTIFF

11 BY MR. BURCK:

12 Q. Good morning, Mr. Littlejohn. Thank you  
13 for being here this morning. My name is Bill  
14 Burck. I am an attorney for Mr. Griffin, who is  
15 the plaintiff in this case. I'll just do some  
16 preliminary questions for you.

17 Do you understand that you're under oath?

18 A. I do. Yes.

19 Q. And you understand that means you are  
20 required to tell the truth and to testify  
21 truthfully?

22 A. Yes.

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1 Q. Are you currently taking any medications  
2 or other substances that would prevent you from  
3 testifying truthfully or accurately?

4 A. No.

5 Q. Is there any other reason you cannot  
6 provide full and truthful answers today other than  
7 what Ms. Manning had laid out?

8 A. No.

9 Q. Have you ever been deposed before?

10 A. No.

11 Q. I'm going to go through some basic ground  
12 rules just so that -- and you've probably gone  
13 through this with Ms. Manning, but just so that  
14 we're on the same page.

15 So I will be asking you questions for the  
16 plaintiff. Your counsel may object. But unless  
17 she instructs you not to answer, you're required  
18 to answer my questions.

19 Do you understand that?

20 A. Yes.

21 Q. I need verbal responses because there is  
22 a court reporter transcribing your testimony. So

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1 a nod or a "hmm" is not going to be enough. So I  
2 may have to -- if you do something like that, I  
3 may have to ask you to say yes or no or answer the  
4 question verbally.

5 Do you understand that?

6 A. Understood. Yes.

7 Q. Please wait until I finish my question  
8 before you reply so you'll hear the entire  
9 question. I'll wait until you're finished with  
10 your reply before I ask another question.

11 If you don't understand a question,  
12 please tell me and I will try to rephrase. If you  
13 answer, I'll assume you understood.

14 Do you understand that?

15 A. Yes.

16 Q. If you need a break, please let us know  
17 and we will try to accommodate you, although I  
18 will ask that you answer any question that might  
19 be pending before we take a break.

20 A. Understood.

21 Q. Thank you.

22 I'm going to start with just some

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1 background, Mr. Littlejohn.

2 Can you tell us a little bit about your  
3 personal history, where you grew up, your family  
4 history, just briefly.

5 A. Sure. I grew up in St. Louis, Missouri.  
6 Born in 1985. My parents, Steven and Juanita,  
7 were born in Hawaii and North Carolina,  
8 respectively, and moved to St. Louis a few years  
9 before I was born.

10 They separated when I was five years old  
11 and remarried shortly thereafter.

12 I attended school in St. Louis until I  
13 graduated from high school and then attended  
14 University of North Carolina, Chapel Hill, for  
15 college, studying economics and physics.

16 And I have no full siblings but two  
17 half-siblings and several step-siblings.

18 Q. Are you a basketball fan, by any chance?

19 A. Yes, yes.

20 Q. Congratulations on the number 1 seed --

21 A. Yeah.

22 Q. -- of whatever region.



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1 A. Thank you.

2 Q. All right. So I'm going to -- you've  
3 prepared in the past resumes, CVs?

4 A. Certainly.

5 Q. I'm going to mark as Exhibit 1 a CV that  
6 we believe you prepared.

7 (Littlejohn Deposition Exhibit 1 marked  
8 for identification and attached to the  
9 transcript.)

10 MR. BURCK: I'm handing the witness  
11 Exhibit 1.

12 BY MR. BURCK:

13 Q. Mr. Littlejohn, do you recognize that?

14 A. Yeah.

15 Q. And --

16 A. I do.

17 Q. -- what is this?

18 A. This is a CV.

19 Q. Did you prepare it?

20 A. I did. Yes.

21 Q. Do you remember roughly when you prepared  
22 it?

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1           A. Must have been after November 2013. I  
2 would say -- could have been in preparation for  
3 rejoining Booz Allen. Maybe it's 2017.

4           Q. Do you see at the bottom of the document  
5 BAH.Griffin, and then a series of numbers?

6           A. I do, yes.

7           Q. Do you have an understanding what BAH  
8 means?

9           A. Booz Allen Hamilton.

10          Q. Okay. And do you believe that this is a  
11 resume that you prepared for Booz Allen Hamilton?

12          A. It appears to be.

13          Q. Okay. So let's go through some of the  
14 information that you put in this CV.

15                 You mentioned that you graduated from  
16 Carolina in 2007 with a bachelor of arts in  
17 economics and physics.

18          A. Correct.

19          Q. Sum laude.

20          A. Yes.

21          Q. Congratulations.

22          A. Thanks.

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1 Q. Very good.

2 I want to focus on your time at  
3 Booz Allen.

4 A. Okay.

5 Q. And that will be in the second set of  
6 bullets in the document.

7 Do you see that?

8 A. I see it. Yes.

9 Q. And it says that you were an associate at  
10 Booz Allen Hamilton, right?

11 A. That's correct.

12 Q. And what is an associate at Booz Allen  
13 Hamilton? What does that person do?

14 A. That's the third level of consultant.

15 Q. And what are the first two levels?

16 A. Consultant and senior consultant.

17 Q. So associate is senior to consultant and  
18 senior consultant?

19 A. Correct.

20 Q. It says you were there from January 2008  
21 through July 2010.

22 A. Yes.

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1 Q. And then it says you were there from  
2 June 2012 to November 2013.

3 A. Correct.

4 Q. So there was a gap of about two years  
5 between your tenure as an associate; is that  
6 correct?

7 A. I wasn't an associate at that time. I  
8 became an associate at the end of my second stint  
9 of tenure.

10 Q. Okay. So at the beginning, you were a  
11 consultant?

12 A. Yes. I was a consultant and then senior  
13 consultant during that first couple years of  
14 tenure.

15 Q. Okay. Now, when you -- let's look at the  
16 first bullet.

17 And again, you wrote these --

18 A. Yes. These --

19 Q. -- words --

20 A. -- are my words.

21 Q. And it says -- the first bullet says,  
22 Responsible for data analysis, communication

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1 initiatives developed in Python, SAS, and R for an  
2 IRS identity theft program that protected over  
3 a million taxpayer accounts and stopped plus  
4 \$4 billion in fraudulent tax returns.

5 Did I read that correctly?

6 A. Yes.

7 Q. Can you tell what Python is?

8 A. It's a programming language.

9 Q. And what does it do?

10 A. It does what most programming languages  
11 do: Manipulates computers, math and analysis.

12 Q. What is the purpose of it, with respect  
13 to how you described it in this sentence?

14 A. I was -- I'm skilled at using this  
15 language, and I used it during this task, this  
16 project that I was on to basically conduct my  
17 work, do data analysis, create programs to satisfy  
18 the requirements of my contract.

19 Q. And what is SAS?

20 A. It's another -- it's like a scripting  
21 language, so a little bit different than a  
22 programming language. It is specific to data

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1 analysis.

2 Q. And what about R? What does R mean?

3 A. R is also specific to data analysis.

4 Similar program, open source.

5 Q. So these are data analysis programs that  
6 you were skilled at.

7 A. Uh-huh.

8 Q. And you said that you were doing this for  
9 an IRS identity theft program.

10 A. That's correct.

11 Q. Can you tell us about that identity theft  
12 program?

13 A. Certainly. So one of the problems that  
14 had arisen during this time in the IRS' history  
15 was people were -- fraudsters, criminals were  
16 creating fraudulent tax returns and submitting  
17 them to the IRS to receive, you know, several  
18 thousand dollars in illicit gains, refunds, then  
19 they'd abscond with the money.

20 So this program that I was assigned to  
21 set up rules and filters to help prevent that from  
22 happening before refunds were issued.

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1 Q. So your role was to assist the IRS in  
2 preventing identity theft?

3 A. From stealing money from Treasury,  
4 essentially.

5 Q. Through identity theft in particular?

6 A. Yes.

7 Q. And you said that it protected over  
8 a million taxpayer accounts.

9 A. Uh-huh.

10 Q. How did you come to a million taxpayer  
11 accounts?

12 A. This is the number of accounts that were  
13 flagged.

14 Q. Flagged by whom?

15 A. By the IRS to prevent the refund from  
16 going out.

17 Q. And you knew this because of what  
18 information?

19 A. I was involved in the creation of these  
20 filters and reporting on their effectiveness and  
21 statistics related to the program.

22 Q. So you had personal knowledge of the

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1 number --

2 A. Yes.

3 Q. -- of taxpayer accounts.

4 Okay. And you also said that it stopped  
5 over \$4 billion in fraudulent tax returns?

6 A. That's right.

7 Q. And is that also because you had personal  
8 knowledge of the amount of money that was saved by  
9 the -- for the IRS through these programs?

10 A. Yes.

11 Q. And again, you were personally involved  
12 in this program to protect taxpayer accounts and  
13 to stop over \$4 billion in fraudulent tax returns.

14 A. Correct.

15 Q. The next bullet says that you built the  
16 MS Access database that tracked 130,000 ID cards,  
17 managed program invoicing and forecasted costs for  
18 Treasury Department's HSPD-12 identity and access  
19 management program.

20 Can you just tell us, what is the MS  
21 Access database?

22 A. I have a question about this.



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1 THE WITNESS: This is not an IRS contract  
2 that this is related to.

3 MS. MANNING: Oh.

4 THE WITNESS: Is that going to be --  
5 preclude me from answering --

6 MS. MANNING: Then I would direct you not  
7 to answer because it's not relevant to the --

8 THE WITNESS: Then that's what I'm going  
9 to do.

10 BY MR. BURCK:

11 Q. Are you aware that the IRS is part of the  
12 Treasury Department?

13 A. Certainly.

14 MR. BURCK: Just to be clear,  
15 Ms. Manning, you're instructing him not to answer  
16 that question.

17 MS. MANNING: May I confer with my  
18 client?

19 MR. BURCK: Sure. Of course. Do you  
20 want to go off the record? I think we have to.

21 MS. MANNING: I think we have to.

22 VIDEO TECHNICIAN: The time is 9:29 a.m.

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1 We're off the record.

2 (Discussion off the record.)

3 VIDEO TECHNICIAN: The time is 9:31 a.m.

4 We're on the record.

5 BY MR. BURCK:

6 Q. I believe that your counsel -- I was  
7 asking about the MS Access database that tracked  
8 130,000 ID cards relating to Treasury Department's  
9 HSPD-12 identity and access management program.

10 A. Uh-huh.

11 Q. And your counsel had instructed you not  
12 to answer. I'm going to re-ask that question,  
13 which is, can you tell us what the MS Access  
14 database that tracked 130,000 ID cards -- what is  
15 the MS Access database?

16 THE WITNESS: So just to confirm, I can  
17 answer this question?

18 MS. MANNING: Yes.

19 THE WITNESS: Okay. MS Access is  
20 generally the Microsoft Access tool for creating  
21 databases.

22 This particular database was designed to

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1 help manage the program that Treasury was running  
2 that was tasked with issuing ID cards, PIV-style  
3 ID cards, to all of Treasury's employees and  
4 contractors.

5 So this particular database would, on a  
6 daily basis, be updated with the status of  
7 individual IRS persons, status with getting these  
8 new ID cards.

9 BY MR. BURCK:

10 Q. And you said HI -- PIV?

11 A. PIV, P-I-V.

12 Q. PIV. And what does that stand for?

13 A. I do not know.

14 Q. Okay. And what is HSPD-12?

15 A. Homeland Security presidential directive  
16 12. It was an order signed by President George W.  
17 Bush to upgrade the physical security and digital  
18 security for all agencies in the government. And  
19 that would require a new type of personal access  
20 card for employees and contractors.

21 Q. And did these employees and contractors  
22 include IRS personnel?

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1 A. Yes.

2 Q. So these were identity cards for  
3 including, amongst others --

4 A. Yes.

5 Q. -- IRS personnel?

6 A. Correct.

7 Q. And then the third bullet mentions that  
8 you provided data modeling and support for  
9 baseline assessment of process flows and work  
10 rates at the IRS Fraud Detection Center.

11 A. Correct.

12 Q. Do you see that?

13 Can you elaborate on that a bit? What  
14 were you doing exactly?

15 A. I was brought in to help assemble  
16 statistics on the time it takes to do different  
17 parts of this whole process, this Fraud Detection  
18 Center process, that IRS has set up for handling  
19 tax returns that flag some particular filter that  
20 they have.

21 And they were moving this -- this  
22 process, this whole thing, to a different part of

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1 the IRS. They needed to know how -- you know, how  
2 many FTEs are required to conduct this work. So I  
3 had an Excel spreadsheet of, you know, statistics  
4 on how long it takes to do certain things.

5 Q. Understood.

6 So -- and just to be clear, when you have  
7 the dates for your time at Booz Allen as January  
8 2008 to July 2010 and then June 2012 to  
9 November 2013, the list of bullets here is a  
10 summary of what you were doing at that time,  
11 correct?

12 A. Yes.

13 Q. And the first three bullets reference  
14 work for the IRS or for Treasury, correct?

15 A. Yes.

16 Q. Would you say that most of the work you  
17 did during that period of time was for the IRS or  
18 Treasury?

19 A. Yes.

20 Q. Would you say most of the work was for  
21 the IRS?

22 A. Yes. Well, I don't know what -- the

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1 exact amount of dates. I'd have to do the math  
2 because Treasury -- that Treasury product --  
3 project lasted a long time.

4 Q. But it also covered IRS personnel --

5 A. That's true --

6 Q. -- in terms of --

7 A. -- yes.

8 Q. When I say most, I mean, you know,  
9 usual -- over 50 percent of your work was for the  
10 IRS.

11 A. Or Treasury or just IRS?

12 Q. Let's do first IRS.

13 A. If you say that IRS is a component of  
14 Treasury and that this Treasury product -- project  
15 was, you know, 80 percent IRS, then yes.

16 Q. Okay. When you were in college, did you  
17 study anything relating to income tax or tax  
18 issues?

19 A. Not specifically. Certainly as part of  
20 my economics degree, there were theoretical  
21 sections about tax and how it affects economies  
22 and personal choices.

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1 Q. So you started at Booz Allen right after  
2 you graduated from college, I believe.

3 A. Yes.

4 Q. You graduated in December and then you  
5 started.

6 So did you apply to be, I guess, a  
7 consultant at Booz Allen while you were a senior?

8 A. Yes.

9 Q. And were you offered a job while you were  
10 still at Carolina, or was it --

11 A. Yes.

12 Q. So your plan at the time was to leave  
13 Carolina and go work at Booz Allen?

14 A. Yes.

15 Q. And did you know, when you were applying  
16 to Booz Allen, that you'd be doing work for the  
17 IRS?

18 A. No.

19 Q. What was your understanding of what your  
20 role would be when you joined Booz Allen?

21 A. Public sector work in finance, government  
22 finance, which I guess is a euphemism for IRS.

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1 Q. Okay. So you knew you were going to work  
2 for the -- or work for government agencies?

3 A. Yeah, I did.

4 Q. And as you just said, government finance,  
5 that would be Treasury.

6 A. Yes.

7 Q. And IRS is part of Treasury.

8 A. Yes.

9 Q. So you had an expectation that the IRS  
10 might be part of your portfolio?

11 A. I -- it was not my understanding when I  
12 first applied. But certainly, when talking to  
13 people during my interview, it became clear that  
14 IRS was a big source of contracts for Booz Allen  
15 and the team that I was interviewing for, but not  
16 exclusive.

17 Q. How soon after you start -- you were out  
18 of college and you were now at Booz Allen did you  
19 start working on IRS matters?

20 A. This would have been March.

21 Q. Okay. So March. So a couple months into  
22 it?



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1 A. Yeah. End of -- end of February,  
2 beginning of March.

3 Q. Okay. So one or two months.

4 And what were you told your role was  
5 going to be for the IRS?

6 A. Generally or for this specific work?

7 Q. Why don't we start generally, and then  
8 you can give me specifics.

9 A. Well, my very first project was this FDC  
10 transition. It was essentially data modeling, was  
11 what I was told.

12 Q. This is the third bullet?

13 A. Yes.

14 Q. Okay.

15 A. And that lasted not more than a few  
16 weeks, actually. I was brought in as surge  
17 support, as they were finishing up the report they  
18 were putting together.

19 Q. And was it somebody -- a supervisor at  
20 Booz Allen who informed you of what your first  
21 assignment was going to be?

22 A. Yes.

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1 Q. And when you started working on the surge  
2 support for the IRS Fraud Detection Center, where  
3 did you actually physically work day to day?

4 A. At the Booz Allen headquarters.

5 Q. Okay. Did you visit the IRS facilities?

6 A. No.

7 Q. So you worked remotely from the IRS?

8 A. Yes.

9 Q. Okay. And then you said that lasted only  
10 for a few weeks.

11 What was the next work you did for the  
12 IRS?

13 A. Several months later I joined the  
14 Treasury Department project HSPD-12.

15 Q. Okay. And how long did that last?

16 A. It lasted two years.

17 Q. Two years. And during that time, were  
18 you working at Booz Allen or were you working at  
19 Treasury?

20 A. The physical location? I was in the IRS  
21 building.

22 Q. You were in the IRS building?

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1 A. Yeah.

2 Q. Okay. So the Treasury work was actually  
3 physically in the IRS?

4 A. Yes.

5 Q. Did you have an IRS e-mail account?

6 A. Yes.

7 Q. And you got that when you started working  
8 on the HSPD-12 program?

9 A. Not immediately.

10 Q. Not immediately? How -- but soon  
11 thereafter?

12 A. Not soon.

13 Q. Oh, it took a while?

14 A. Yes.

15 Q. So you were using a Booz Allen e-mail  
16 address?

17 A. Yes.

18 Q. And then you were given an IRS e-mail  
19 address?

20 A. Yes. And computer.

21 Q. And that was issued to you by the IRS?

22 A. Correct.

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1 Q. Okay. So even though it says here that  
2 it was Treasury Department -- of course IRS is  
3 part of the Treasury Department -- you were  
4 working at the IRS and you received an IRS e-mail  
5 address and a computer from the IRS?

6 A. And -- yes. And the person who led the  
7 project was an IRS person, I guess detailed.

8 Q. Okay. And who was that person? Do you  
9 remember?

10 A. Mary Beth Murphy.

11 Q. Did you spend all of your time when you  
12 were working on this program at the IRS building?

13 A. Not all. Fridays, typically, we had --  
14 we could work from -- remotely --

15 Q. Remotely --

16 A. -- from home. Yeah.

17 Q. But roughly four days a week --

18 A. Uh-huh.

19 Q. -- you would work at the IRS building and  
20 then one day you would work from home?

21 A. Yeah, that's right.

22 Q. But you were not working in Booz Allen at

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1 the time when you were doing this program?

2 A. Occasionally I'm at work at a Booz Allen  
3 office.

4 Q. You might stop by?

5 A. Yes.

6 Q. And you say that lasted for about two  
7 years?

8 A. Yes.

9 Q. And then -- and during that time, were  
10 you instructed that, for the Treasury work on the  
11 HSPD-12, that you were to use your IRS e-mail  
12 account --

13 A. Yes.

14 Q. -- for work purposes?

15 A. Yes.

16 Q. And they didn't issue you a Treasury.gov  
17 e-mail; it was an IRS.gov?

18 A. Correct.

19 Q. Okay. And on this program -- and I'm not  
20 asking you to be -- you know, to be specific, but  
21 roughly how many people that were working with you  
22 were IRS employees versus people who were coming

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1 over from Booz Allen? Maybe by percentage.

2 A. A percentage?

3 Q. Yeah.

4 A. It was majority Booz Allen.

5 Q. And the rest were IRS, as far as you  
6 know?

7 A. 60/40, probably.

8 Q. 60/40?

9 And roughly how many people? Again, not  
10 specifics. Are we talking 10 people? Are we  
11 talking 50 people? A thousand people?

12 A. 30.

13 Q. And as far as you knew, did the other  
14 people who were affiliated with Booz Allen, did  
15 they have IRS addresses as well?

16 A. Only a few.

17 Q. Only a few? So why -- did you have an  
18 understanding as to why you had one and others did  
19 not?

20 A. Yes. I was handling IRS internal data  
21 and systems for the work that I was doing and the  
22 analytics that involved, so that is kept on IRS

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1 systems. So they deemed it appropriate for me to  
2 have an IRS laptop.

3 Q. Okay.

4 A. Now, others that did not need that kind  
5 of access also had IRS laptops, but never had the  
6 need to use it. So I was, you know, one of only a  
7 few that actually used it.

8 Q. And did you request an IRS laptop or was  
9 it -- somebody said that you needed one?

10 A. Somebody said that I needed one.

11 Q. Because of the type of data you were  
12 handling?

13 A. Yes.

14 Q. And then you mentioned that there were  
15 others who had IRS laptops who didn't need them.

16 A. Yeah. That's correct.

17 Q. And that's because you understood that  
18 they were not handling internal IRS data.

19 A. Correct.

20 Q. Was it your understanding that the reason  
21 that the -- well, let me ask you this: Why did  
22 they believe that you should have a laptop, an IRS

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1 laptop?

2 A. Well, I know that I needed it eventually  
3 because one of -- you know, part of this was IRS  
4 employees, doing statistics on them.

5 Q. Right.

6 A. You know, we're not going to be putting  
7 that on a Booz Allen system.

8 Q. Why is that?

9 A. Because of IRS', you know, rules and  
10 regulations. It's PII.

11 Q. PII?

12 A. Yes.

13 Q. And PII stands for what?

14 A. Personal identifiable information.

15 Q. And that kind of information is protected  
16 by the IRS?

17 A. Yes, it is.

18 Q. And it's highly sensitive?

19 A. It's sensitive.

20 Q. And the IRS, you understood, to have a  
21 rule that PII of that sort needed to stay on IRS  
22 computers or servers.



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1 A. Absolutely.

2 Q. And you mentioned only a few people had  
3 this kind of access to internal IRS data --

4 A. Yes.

5 Q. -- and PII.

6 And I think you might have addressed this  
7 a bit, but why were you selected, to your  
8 understanding, to handle this material?

9 A. Well, I joined as part of the analytics  
10 kind of subtask of this whole larger initiative,  
11 and my task lead was an analytics person, and he  
12 basically was training me to take over from him.  
13 So...

14 Q. And who was that?

15 A. Haynes Ko.

16 Q. And he was a Booz Allen --

17 A. (No verbal response.)

18 Q. So you were taking over for him?

19 A. Ultimately, yes.

20 Q. Ultimately. And he was training you.

21 A. Yes.

22 Q. So you understood that the PII and other

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1 information you were dealing with was  
2 confidential.

3 A. Yes.

4 Q. Were you authorized to share that  
5 information with people at Booz Allen who were not  
6 authorized to receive it?

7 A. No.

8 Q. Who were the people that you were  
9 authorized to share that information with?

10 A. People that had joined the project,  
11 essentially. People that are on the project and  
12 on my -- on my data subteam, basically.

13 But I don't recall specifics about, you  
14 know, don't share that this data -- because it  
15 really wasn't important to anybody except as a --  
16 as a piece to creating the statistics. You know,  
17 it was just like a raw set of data.

18 Q. Okay. And when you say it wasn't  
19 important to anybody, what do you mean by that?

20 A. Well, my work involved putting together  
21 reports for, you know, the leadership of the  
22 program, of the IRS program, and those reports

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1 generally dealt with just numbers, numbers of  
2 people that have gotten badges, numbers of people  
3 that are waiting for their badges, and not --  
4 doesn't have to deal with names of people or  
5 anything like that or their address or anything.

6 Q. Okay. But you had access to that  
7 information if you -- if you -- well, you had  
8 access to that information.

9 A. Yes.

10 Q. Okay. But the people you were reporting  
11 to didn't feel like that specific information was  
12 important to what they were trying to achieve.

13 A. Correct.

14 Q. Did you have any special training that  
15 you received from IRS relating to your handling of  
16 PII?

17 A. Yes.

18 Q. Tell us a little bit about that.

19 A. We'd have internal -- we'd have training  
20 that IRS would do. It's, like, a yearly  
21 recertification. And they'd -- it would be  
22 typical corporate training online. You know, you

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1 read the passages, you fill out answers, and then  
2 certified for another year.

3 Q. You completed that training?

4 A. Uh-huh.

5 Q. Did you have any disciplinary issues  
6 while you were -- during this time frame?

7 A. No.

8 Q. And did -- as part of that training, were  
9 you told that the PII information was sensitive?

10 A. Yes.

11 Q. And that it had to be protected?

12 A. Yes.

13 Q. All right. So you did that program for,  
14 I believe, two years you said?

15 A. Yes.

16 Q. And then -- I think we're going sort of  
17 reverse in time, but -- or we're going  
18 chronologically, but reverse order here of the  
19 bullets.

20 The first bullet, we talked about,  
21 Responsible for data analysis, communication  
22 initiatives developed in Python, SAS, and R for an

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1 IRS identity theft program.

2 When did you get involved in that  
3 initiative?

4 A. June 2012.

5 Q. Okay. So before we get to that, from --  
6 July 2010, that's when you stopped working on the  
7 Treasury Department HSPD-12 program?

8 A. Yes.

9 Q. And so what did you do for those two  
10 years?

11 A. The first section of the experience  
12 indicates that I started a company, Pokeit LLC,  
13 located in Durham, North Carolina.

14 Q. Okay. And when you left IRS, did you  
15 have to be offboarded in some official way?

16 A. I don't recall.

17 Q. Did you have to give up your laptop?

18 A. Oh, certainly. Yes.

19 Q. Did you -- did your IRS.gov e-mail, was  
20 it suspended?

21 A. Yes.

22 Q. Were you -- did you get a briefing when

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1 you left about maintaining the confidentiality of  
2 the work you'd been doing for the IRS?

3 A. I don't recall a briefing.

4 Q. Did you have any understanding of whether  
5 or not you -- the confidentiality requirements  
6 that you had been observing persisted for --

7 A. Yeah. I understood that, you know, I  
8 wouldn't be sharing that information that I was  
9 privileged to.

10 Q. Did anyone tell you that or was that just  
11 something you understood?

12 A. Nobody -- I don't recall being told that,  
13 but -- I'll leave it at that.

14 Q. Okay. And when you left the HSPD program  
15 at Treasury while you were working at IRS  
16 building, it looks that you also stopped your  
17 affiliation with Booz Allen.

18 A. That's right. Yes.

19 Q. And was that your decision or was that  
20 Booz Allen's decision?

21 A. That was my decision.

22 Q. Your decision. And there was no

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1 reference or any -- there was no disciplinary  
2 issues...

3 A. No. They encouraged me to reapply if  
4 ever I wanted to.

5 Q. Okay. So you did reapply in June -- or  
6 sometime before June 2012.

7 A. Yes.

8 Q. And when you reapplied, did you know what  
9 you were reapplying to do, specifically?

10 A. I was told, you know, that there was this  
11 project they had that I could join. They had an  
12 idea once we started talking about rejoining.

13 Q. And what was the project?

14 A. It's this first one, the bullet point  
15 that we discussed.

16 Q. So this is specifically for the IRS?

17 A. Yes.

18 Q. And so without -- it doesn't matter who,  
19 but someone at Booz told you that there's an  
20 initiative we're working on with the IRS.

21 A. Yes.

22 Q. And they asked you to apply, or did you

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1 come to them and ask that you'd like to apply for  
2 it?

3 A. For Booz Allen?

4 Q. Yeah.

5 A. Yes. I called them up.

6 Q. Called them up. How did you know that  
7 this IRS program was in the works?

8 A. I didn't.

9 Q. So you just wanted to go back into the  
10 consulting world -- the consulting world?

11 A. Yes. It paid more.

12 Q. Paid more. Always a good reason.

13 And so when you reapplied to Booz Allen,  
14 they told you there -- about this program?

15 A. Yes.

16 Q. And what did they tell you about it, just  
17 in general terms?

18 A. That they needed somebody to liaison  
19 between the engineers and everyone else.

20 Q. And -- for what? To do what?

21 A. Well, I was tasked with basically putting  
22 together reports. Very similar to what I was



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1 doing on Treasury HSPD-12. So statistics on how  
2 well these filters were doing, PowerPoints, giving  
3 presentations, that sort of thing.

4 Q. Okay. And so when you restarted with  
5 Booz Allen in June 2012, did you immediately start  
6 working for the IRS?

7 A. Yes.

8 Q. And where were you working?

9 A. I was on 500 North Capitol Street.

10 Q. And is that an IRS building, or --

11 A. It was at the time.

12 Q. At the time it was an IRS building?

13 A. Well, GSA. And I think they had a suite  
14 or two.

15 Q. It was a government building --

16 A. Yes.

17 Q. And your understanding was that the IRS  
18 occupied it?

19 A. Yes.

20 Q. Did you have an office at Booz Allen?

21 A. Not when I returned.

22 Q. Okay.

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1 A. They switched to hot desking.

2 Q. What is hot desking?

3 A. It's where you have to reserve a desk  
4 whenever you go into the office.

5 Q. Okay. Did you have a similar schedule  
6 that it was basically four days a week in the IRS  
7 building and then --

8 A. No. It was, like, two days a week.

9 Q. Two days a week. And then where did you  
10 work otherwise?

11 A. Home or at a Booz Allen facility. But  
12 actually, it was -- it wasn't long -- I think it  
13 was about in November 2012 that I ended up  
14 returning to St. Louis, and I worked remotely  
15 pretty much for the majority of the remaining  
16 time.

17 Q. Okay. And your interaction at work from  
18 June 2012 through November 2013 was mainly with  
19 the IRS.

20 A. Yes.

21 Q. And this initiative that you were working  
22 on, same kind of questions I asked earlier: What

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1 was roughly the size of the team?

2 A. Smaller. I'd say maybe 15 contractors  
3 and government people altogether.

4 Q. And government people, you mean IRS  
5 people?

6 A. Yeah. 15 to 20.

7 Q. And what was roughly the split? Do you  
8 recall?

9 A. I think about 60/40 again.

10 Q. 60/40. And you got an IRS.gov e-mail  
11 address again?

12 A. I did. Yes.

13 Q. Did you get a laptop?

14 A. Yes.

15 Q. And what types of data were you handling  
16 at this point, or reviewing?

17 A. Well, this was a bit more involved  
18 because it had to do with, you know, tax return  
19 information.

20 Q. And this is tax returns of U.S.  
21 taxpayers?

22 A. Yes.

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1 Q. And can you tell us a little bit about  
2 the -- what level of access did you have to tax  
3 return information?

4 A. Well, I had access to the tax return  
5 information of people that were flagged. And this  
6 would include all the relevant fields that were in  
7 the tax return 1040.

8 Q. Okay. So you had access to PII.

9 A. Yes. And 6103, protected data.

10 Q. 6103 -- protected data.

11 What is 6103, to your understanding?

12 A. It's basically data that is related to  
13 taxpayer information.

14 Q. Okay. And what kinds of databases was  
15 this held on?

16 A. IRS internal databases.

17 Q. And this is also why you needed a laptop  
18 from the IRS.

19 A. Yes.

20 Q. Were you permitted to share that tax --  
21 tax return information with people who were not on  
22 the team you were working on?

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1 A. No.

2 Q. Did you share the information with anyone  
3 at Booz Allen who was not on the team?

4 A. No.

5 Q. Were you permitted to use -- well, let me  
6 ask you: Did you have a Booz Allen e-mail  
7 address?

8 A. Yes.

9 Q. Were you permitted to use it for the work  
10 you were doing for the IRS?

11 A. Yes. But it was restricted what I could  
12 use the Booz Allen e-mail for.

13 Q. Okay. So your prior work for the IRS,  
14 you were dealing with PII. Now you're dealing  
15 with PII, but it's also part of tax return  
16 information --

17 A. Yes.

18 Q. -- correct?

19 Did you have new training on how to  
20 handle that information?

21 A. It was similar training in the sense that  
22 the previous training covered tax return

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1 information as well.

2 Q. Okay.

3 A. Because most people at the IRS have  
4 access to -- you know, most people that deal with  
5 this type of, you know, data -- it's typically  
6 tax-data at the IRS. So they have their training  
7 set up for the levels that would cover all of  
8 that.

9 Q. And the training you received was from  
10 the IRS?

11 A. Yes. And there was -- there were also  
12 Booz Allen trainings as well that were held.  
13 Voluntary, essentially.

14 Q. Right. And was this also subject to an  
15 annual renewal?

16 A. Yes.

17 Q. And you completed the requirements?

18 A. Yes.

19 Q. And you understood that tax return  
20 information was confidential?

21 A. Yes.

22 Q. And did you understand that the IRS

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1 thought that was important, that it maintained  
2 confidentiality of tax returns?

3 A. Yes.

4 Q. Do you understand there was a legal  
5 obligation to do that?

6 A. Absolutely.

7 Q. And at that time, did you share any tax  
8 return information with anyone that you believed  
9 was not authorized to receive it?

10 A. No.

11 Q. So during this period, though, you  
12 understood that the job you had, you had access to  
13 tax return information.

14 A. Yes.

15 Q. Did you ever review it in any detail as  
16 to any particular taxpayer?

17 A. Only insofar as the work required it.

18 Q. The work for detecting fraud.

19 A. Yes.

20 Q. Did you have access to tax returns that  
21 went beyond fraudulent detections?

22 A. Yes.

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1 Q. Did you have access to tax -- any tax  
2 return you wanted to see?

3 A. Generally, yes.

4 Q. Did you ever peruse the system, just out  
5 of curiosity?

6 A. No. I mean, only insofar as the work  
7 required it and better understanding --

8 Q. Right --

9 A. -- tax --

10 Q. -- but you were focused on the job at  
11 hand, which was fraud -- fraud detection.

12 A. Yes.

13 Q. As part of your training, did anyone ever  
14 say words to the effect that you should limit your  
15 review of tax return information to what is  
16 necessary for your job?

17 A. Yes.

18 Q. And did you comply with that?

19 A. Yes.

20 Q. And so you did that work for roughly a  
21 year and a half, maybe a little less, correct?

22 A. Yes.



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1 Q. And that brings us to November 2013,  
2 which is when you left working for the IRS --

3 A. Yes.

4 Q. -- at some point.

5 And again, it looks like that also is the  
6 same time you left Booz Allen.

7 A. Correct.

8 Q. And then when you left -- again, that was  
9 your own choice?

10 A. My sister had died, so I took some time  
11 off.

12 Q. But you were not asked to leave?

13 I'm sorry about your sister.

14 A. Thanks. No, I was not. They wanted to  
15 get me back as soon as they could, I guess.

16 Q. Did you enjoy the work?

17 A. Yes, I did. It was good insofar as a  
18 9:00 to 5:00 could be.

19 Q. And what was good about it, from your  
20 perspective?

21 A. Well, I felt like, especially on this  
22 project, a connection to the needs of taxpayers

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1 and -- you know, the dollar values are huge. And  
2 just imagining that going out to criminals is --  
3 it was -- it felt like meaningful work to try to  
4 stop that.

5 Q. It was important work --

6 A. Yeah.

7 Q. -- to stop that fraud.

8 A. Yeah. Our project actually ended  
9 September 2013, so it wasn't really an option to  
10 stay on that specific work.

11 Q. From -- so it ended in September of 2013.  
12 And you stayed until November.

13 Were you still -- did you still have your  
14 IRS e-mail --

15 A. No.

16 Q. -- address?

17 They cut it off in September?

18 A. Uh-huh.

19 Q. You were still being paid until November?

20 A. I was part time at that point.

21 Q. Okay.

22 A. So I was just doing marketing work.

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1 Q. Okay. Were you still going to the IRS  
2 building at that point or no?

3 A. No.

4 Q. All right. So you left in November of  
5 2013. And just -- it looks like -- I'm going to  
6 introduce a new exhibit, which is your second CV.

7 Then you went back to IRS in 2017.

8 Just between those dates, between  
9 November 2013 and October of 2017, what were you  
10 doing for work?

11 A. I was working on my startup, Pokeit.

12 Q. Pokeit. And that's the poker --

13 A. Uh-huh.

14 Q. And during that time, did you have any  
15 access to tax return information that you had had  
16 access to while you were at the IRS?

17 A. No.

18 Q. Did Booz Allen or anyone from the IRS ask  
19 you to come back during that period of time,  
20 consider coming back?

21 A. Yes.

22 Q. Who was it? Was it Booz Allen or IRS or

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1 both?

2 A. Booz Allen.

3 Q. Booz Allen. And did they tell you what  
4 they wanted you to work on?

5 A. Yeah. It was a new project. I don't  
6 recall what it was.

7 Q. But you decided not to do it?

8 A. It was really just a month after I had  
9 left, so no, I decided it wasn't time yet. And I  
10 wanted to give it another go with my startup.

11 Q. Okay.

12 (Littlejohn Deposition Exhibit 2 marked  
13 for identification and attached to the  
14 transcript.)

15 BY MR. BURCK:

16 Q. So I'm going to show you another exhibit,  
17 Exhibit 2.

18 And Mr. Littlejohn, do you recognize this  
19 document?

20 A. I do.

21 Q. And what is it?

22 A. It's an internal Booz Allen resume.

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1 Q. Did you prepare it?

2 A. I did.

3 Q. Do you know roughly when you prepared it?

4 I just think -- the year would be fine.

5 A. 2018, probably.

6 Q. Okay. I'm not going to rehash some of  
7 the old ground we've gone through with the prior  
8 CV, but I'd like to talk about just -- let's start  
9 with the employment history.

10 At this point, it says 09/2017 to  
11 current.

12 When did you actually stop working for  
13 Booz Allen, IRS?

14 A. March 2021. March 31st.

15 Q. March 31st, 2021. Okay.

16 So you were there roughly  
17 three-and-a-half years?

18 A. That's correct.

19 Q. Okay. Let's talk about why you came back  
20 to work on the IRS -- the Identity Assurance  
21 Office analytics division.

22 So just going down to the experience, you

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1 say that from -- at the Internal Revenue  
2 Service -- you worked at the Internal Revenue  
3 Service Identity Assurance Office, analytics,  
4 Washington, D.C., 10/2017, right?

5 A. Correct.

6 Q. How did you come to work for that  
7 division?

8 A. I reapplied to Booz Allen, and they put  
9 me on this workstream.

10 Q. And when did you reapply to Booz Allen?

11 A. It must have been July 2017.

12 Q. And when you reapplied to Booz Allen, did  
13 you know that you would be working for the IRS?

14 A. I didn't.

15 Q. Would --

16 A. Well, I could only assume. I didn't know  
17 what the workstream was.

18 Q. What did you assume?

19 A. Well, let me put it this way: The team I  
20 was applying to had a lot of IRS work but, you  
21 know, they didn't tell me at the time or assure me  
22 that I would be joining this particular project,

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1 or even an IRS project.

2 But my IRS clearance made it a likely  
3 situation that I would be hire -- picked up --

4 Q. Sort of your expectation.

5 A. Yes.

6 Q. And so you still had IRS clearance.

7 A. It was, like, discovered later that it  
8 became -- it was, like, interim clearance that  
9 never was fully finalized. And so I had to, like,  
10 reapply. It also was, like, five years after it  
11 was initially put in force, so they had to redo  
12 it.

13 Q. So you had interim clearance from your  
14 prior work --

15 A. Yeah.

16 Q. -- for the IRS and it had never been  
17 completed --

18 A. Uh-huh.

19 Q. -- or finalized, as you said.

20 A. Yeah.

21 Q. Did you believe that you had final  
22 clearance when you reapplied to --

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1 A. I didn't know. I didn't know.

2 Q. Okay. But your expectation was that you  
3 would likely be working at the IRS.

4 A. Yes.

5 Q. In the description of the job in the CV,  
6 you say that you were a senior analyst with the  
7 IRS Identity Assurance Office's analytics  
8 division, right?

9 A. Yes.

10 Q. At Booz at this time, I think you were an  
11 associate, correct?

12 A. Uh-huh.

13 Q. So the senior analyst title was an IRS  
14 title?

15 A. No. It was just to -- a descriptive term  
16 to try to describe that there were other just --  
17 nonsenior analysts that were below me.

18 Q. Okay. So this is --

19 A. It was unofficial --

20 Q. -- your words --

21 A. -- term. My words, yes.

22 Q. Got it. Okay.



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1           And it says that you were responsible for  
2   many of the teams' reporting and research efforts  
3   related to the Secure Access Authentication  
4   System, correct?

5           A.   Correct.

6           Q.   Can you tell us what the Secure Access  
7   Authentication System was?

8           A.   It was a system for authenticating  
9   individuals, individual taxpayers, who wished to  
10   interact with the IRS online. Its purpose was  
11   both to -- basically to authenticate that the  
12   person that was, you know, at the computer was  
13   actually the person they were saying that they  
14   were.

15          Q.   It is similar in some ways to what you  
16   were doing before in the sense that you were  
17   trying to prevent fraud?

18          A.   Yes. A necessary component to any type  
19   of interaction with a government, you know, you  
20   have to prove that you are who you say you are.

21          Q.   Right.

22          A.   It's not just like signing up for a

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1 Google account. You know, they don't really care  
2 that -- you know, you could say you're a dog or  
3 something like that.

4 Q. Right.

5 A. It's not pertinent. But if you're going  
6 to be trying to access information the government  
7 has on you, you have to be who you say you are.

8 Q. Right. And you understood this to be an  
9 important -- important to the IRS.

10 A. Yes.

11 Q. And it says that you developed, in  
12 response to an online breach of taxpayer records  
13 occurring in 2015 -- or sorry, developed, in  
14 response to an online breach of taxpayer records  
15 occurring in 2015, secure accesses and  
16 authentication ID proofing system in compliance  
17 with NIST SP 800-63-2 standards on identity and  
18 access management.

19 What was your understanding of what the  
20 online breach of taxpayer records that occurred in  
21 2015 was?

22 A. Basically, they had an initial version of

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1 the system that had insecure processes. So they  
2 could be attacked and exploited by malicious  
3 actors to overwhelm and gain access to taxpayer  
4 information.

5 Q. And there had been a specific incident.

6 A. Yes. It's known as the Git transcript  
7 breach or incident, and I think it affected over  
8 800,000 taxpayers.

9 Q. And was it your understanding that the  
10 project that you were involved in here was in  
11 direct response to that 2015 breach?

12 A. That's correct. At least the people --  
13 or at least the people that were in charge of this  
14 office were -- and the specific system that they  
15 were supporting was a new upgraded version that  
16 they had hoped would protect taxpayers better.

17 Q. So was it your understanding the IRS had  
18 identified failures in its prior system --

19 A. That's right.

20 Q. -- and they wanted your help to -- in  
21 addition to others -- to help fix it?

22 A. So they overcorrected.

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1 Q. And what do you mean by that?

2 A. Well, part of the hook for this  
3 particular -- so I was told about this project  
4 when I was talking to former co-workers. You  
5 know, they didn't say that they had an opening,  
6 but I had hoped to join because it was -- you  
7 know, they had set the system up, you know, in  
8 response to this breach, and only about 20,  
9 25 percent of people who tried to get access to  
10 their information were successful.

11 And that, to me, was -- it seemed like a  
12 challenge to try to boost that number up, because  
13 it seemed obvious that not all of these people  
14 were fraudulent. You know, these are -- you know,  
15 if a fraudster would try and try and try and try  
16 again, to no avail.

17 So -- yeah, the system was set up with  
18 all the -- all the filters and blocks you could  
19 imagine because they were afraid -- certainly  
20 afraid, for good reason, that this could happen  
21 again if they weren't, you know, making sure it's  
22 secure.

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1 Q. So if I'm understanding correctly, when  
2 you said overcorrect, that they made it too  
3 difficult --

4 A. Yes.

5 Q. -- for people -- for legitimate people to  
6 actually access their information.

7 A. Yes.

8 Q. So you were -- was that the task that you  
9 were asked to do, to fix the overcorrection? Or  
10 was it -- was that your own initiative?

11 A. That was stated as the problem.

12 Q. "That" being the overcorrection?

13 A. It was a problem, but it was not the --  
14 necessarily the purpose of what we were doing. I  
15 mean --

16 Q. The purpose was to get it right --

17 A. Yes.

18 Q. -- as best you could.

19 A. Yeah. The purpose was to monitor its --  
20 you know, what's going on with it, basically.

21 Q. Okay.

22 A. Because we were in service of the

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1 organization, basically, that was an owner, the  
2 business owner, of this system.

3 Q. Got it.

4 In the next paragraph, you say the  
5 analytics team -- and you're part of the analytics  
6 team. And you're a senior analyst by your own --  
7 I know that's your own --

8 A. By my own description, yes.

9 Q. Your own description. You had people who  
10 were working for you.

11 A. Yes, eventually.

12 Q. Right.

13 -- is responsible for providing  
14 leadership with visibility into the different  
15 steps of the process, allowing them to see which  
16 populations are passing and which are failing to  
17 authenticate, right?

18 And that's part of the -- what you're  
19 talking about with both fixing the breach but also  
20 the overcorrection.

21 A. Correct.

22 Q. And it says that you -- this is what you

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1 write -- Mr. Littlejohn led an initiative which  
2 uncovered gaps in the postal notification process  
3 and worked with the appropriate stakeholders to  
4 develop a solution. Right?

5 A. That's right.

6 Q. And that's part of the same fixes that  
7 you were looking for.

8 A. Yes. That was one of -- one of the  
9 issues.

10 Q. What were the other issues?

11 A. Well, the big ones were -- one of the  
12 steps was providing a financial account number.  
13 And we found out, through our work, that the  
14 vendor had a longer number on file than what  
15 people actually receive on their bank statements  
16 or credit card statements.

17 So we were able to put in adjustments to  
18 how they were matching that to allow, you know,  
19 millions of more taxpayers to get through.

20 Q. Okay. So this is part of the  
21 overcorrection issue.

22 A. That's right. And this -- yeah. Not

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1 understanding what they had, you know, set up as  
2 filters.

3 Q. And this relates, then, to your next  
4 sentence, which is that you were involved in the  
5 planning process for a change in vendor and  
6 developed a suite of decks and dashboards  
7 delivering insights to the client on day one.

8 A. That's right.

9 Q. So your work led to a change in the  
10 vendor who had this problem.

11 A. Well, I wish I knew what date this was.  
12 I don't know if you can tell me.

13 Q. I -- we don't know. That's why I was  
14 asking you.

15 A. There were two changes in vendor. One  
16 happened pretty much right when I started, and  
17 that was from Equifax to Experian.

18 If this is from that time period, then  
19 yes, they changed vendors. There was the Equifax  
20 breach in October of 2017, and so we switched to  
21 Experian.

22 Q. Okay.



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1           A. If this is a little bit later, then there  
2       was a bid by TransUnion that had to be considered,  
3       and we were working to evaluate their  
4       effectiveness.

5           Ultimately, we did not -- we were not  
6       forced to go with TransUnion because of some of  
7       the work that I was doing.

8           Q. So the decision was to go to Experian.

9           A. Stay with Experian.

10          Q. Stay with Experian.

11          A. Yeah.

12          Q. Well, switch from -- I'm sorry. What was  
13       the first one?

14          A. Equifax.

15          Q. Equifax to Experian and --

16          A. So we used all -- almost all -- three or  
17       four, I guess.

18          Q. Right.

19          A. Or considered three or four.

20          Q. Okay. And then the last sentence in this  
21       paragraph is work by you and the team has been  
22       shared with senior IRS leadership, United States

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1 Congress, and the GAO, right?

2 A. That's correct.

3 Q. So fair to say that this was important  
4 work.

5 A. Yes, I'd say.

6 Q. And you were proud of this work.

7 A. Very.

8 Q. Okay. I'm going to show you another  
9 exhibit. This will be, I believe, Exhibit 4 --  
10 or 3 -- Exhibit 3, excuse me.

11 MS. OTTERBACHER: Which exhibit?

12 MR. BURCK: Oh I'm sorry. It's the  
13 factual basis for the plea.

14 (Littlejohn Deposition Exhibit 3 marked  
15 for identification and attached to the  
16 transcript.)

17 BY MR. BURCK:

18 Q. So Mr. Littlejohn, if you want to just  
19 take a quick look at that and tell me if you  
20 recognize it.

21 A. I recognize it.

22 Q. What is it?

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1 A. It is the factual basis for the plea.

2 Q. And that's your plea?

3 A. That's my plea.

4 Q. And that's -- it's dated on October 12th,  
5 2023?

6 A. That's correct.

7 Q. And the last page is signed by you and by  
8 your counsel?

9 A. That's correct.

10 Q. I want to start with the beginning of the  
11 document.

12 This was not drafted by you, correct?

13 A. No.

14 Q. And it was not drafted by your counsel,  
15 right?

16 A. We provided edits.

17 Q. Provided edits to a document that the  
18 government -- the prosecutors drafted, as far as  
19 you know?

20 A. Yes.

21 Q. The title of this is, obviously, United  
22 States of America versus Charles Edward

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1 Littlejohn.

2 In paragraph 2, in the background  
3 section, it talks about time periods.

4 And those time periods, which is in  
5 paragraph 1, align with the dates that you have in  
6 your CVs from when you worked for the IRS while  
7 you were affiliated with Booz Allen, correct?

8 A. Correct.

9 Q. And it says in paragraph 1 that you  
10 served as a contractor to Company A; is that  
11 right?

12 A. I don't know. It seems like a  
13 misstatement. I was a contractor to the IRS, but  
14 I was a contractor for Company A.

15 Q. Okay. And the Company A is Booz Allen,  
16 as you understood it?

17 A. Yes.

18 Q. Second paragraph says, During each of  
19 these time periods, defendant primarily worked on  
20 contracts Company A had obtained with the United  
21 States Department of the Treasury's Internal  
22 Revenue Service. Is that right?

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1 A. That's correct.

2 Q. And is that an accurate statement?

3 A. Well, you know, as we've gone back and  
4 forth in this, there was the Treasury Department  
5 contract. But -- that's a detail that is glossed  
6 over in this.

7 Q. Okay. But -- so are you saying this is  
8 inaccurate, or are you saying it's more or less  
9 accurate?

10 A. More or less accurate.

11 Q. Okay. The next paragraph says that,  
12 During much of this time, and in particular  
13 between 2018 and 2021, defendant was authorized,  
14 pursuant to 26 USC section 6103(n), to access vast  
15 amounts of unmasked taxpayer data, including  
16 taxpayer returns and return information, on IRS  
17 databases.

18 Did I read that right?

19 A. That's correct.

20 Q. Is that an accurate statement?

21 A. Yes.

22 Q. Did that -- and that includes the time --

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1 well, as it says in the paragraph, that -- 2018 to  
2 2021, right?

3 A. That's right.

4 Q. And that was the last period that you  
5 were working for the IRS while affiliated with  
6 Booz Allen?

7 A. Yes.

8 Q. The next paragraph says, The defendant  
9 received regular training about protecting  
10 taxpayer data and about the potential criminal  
11 consequences of expecting or disclosing  
12 information -- without authorization, taxpayer  
13 returns and return information; is that right?

14 A. Correct.

15 Q. And then I'm just going to go to the end  
16 of the -- and that, again, is -- the end of the  
17 document is where you signed and your counsel  
18 signed, right?

19 A. Correct.

20 Q. The last paragraph, under the defendant's  
21 acceptance, it says, I have read every word of  
22 this factual basis for plea pursuant to federal

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1 rule of criminal procedure 11. After consulting  
2 with my attorney, I agree and stipulate to this  
3 factual basis for plea and declare under penalty  
4 of perjury that is true and correct. Right?

5 A. Correct.

6 Q. Okay. So let me ask you: Why did you  
7 return to the IRS through Booz Allen in 2017?

8 A. Well, I'd say there are two reasons.  
9 First was the reason I stated to Booz Allen, which  
10 was, in fact, true, is that my -- my company, you  
11 know, wasn't getting -- wasn't having the success  
12 that, you know, I needed in order to stay full  
13 time on it, so I needed to go back and, you know,  
14 have a salaried job. And that was true.

15 The second reason, of course, which I did  
16 not disclose at the time, was I had hoped to  
17 access and disclose the tax returns of Donald J.  
18 Trump as part of, you know, my work there. I knew  
19 I had access to that kind of information, but the  
20 details of which I did not know if it was going to  
21 be possible to do.

22 Q. Okay. So you -- you've testified of this

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1 earlier. You knew you would have access to tax  
2 return information of various individuals --

3 A. If I rejoined a project -- if I joined a  
4 project that -- and I didn't even know that the  
5 project that was being described to me would even  
6 grant me that kind of information. I didn't know.

7 Q. You weren't sure, but that was your  
8 expectation?

9 A. No. It was just a possibility.

10 Q. Well, let me ask you this: It was your  
11 expectation that you would have access to taxpayer  
12 returns, tax returns.

13 A. There was not an -- there was an  
14 expectation that I would if the project deemed it  
15 necessary.

16 Q. Okay. And it was deemed necessary?

17 A. Yes.

18 Q. And your hope was that you would have  
19 access to tax returns.

20 A. That's accurate.

21 Q. Okay. I'm just going to also show you  
22 Exhibit 4, which is the government sentencing



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1 memorandum.

2 (Littlejohn Deposition Exhibit 4 marked  
3 for identification and attached to the  
4 transcript.)

5 BY MR. BURCK:

6 Q. I'm going to ask you, do you recognize  
7 this?

8 A. I do.

9 Q. And you read this at the time?

10 A. Yes.

11 Q. And this is the government's memorandum  
12 for your sentencing?

13 A. That's correct.

14 Q. It's dated January 16th, 2024. It's at  
15 the -- it's on page 14.

16 A. Yes. Correct.

17 Q. Okay. Let me just start in the  
18 preliminary statement on page 1, the second full  
19 sentence.

20 The government writes that, After  
21 applying to work as an IRS consultant with the  
22 intention of accessing and disclosing tax returns,

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1 defendant weaponized his access to unmasked  
2 taxpayer data to further his own personal  
3 political agenda, believing that he was above the  
4 law.

5 Do you agree with that?

6 A. That's their characterization of it.

7 Q. I understand that, but I'm asking you, do  
8 you agree with that?

9 A. No, I don't.

10 Q. Well, which parts do you not agree with?

11 A. I do not and did not believe that I was  
12 above the law.

13 Q. Okay. What about the rest of it, though?  
14 Do you agree that you had an intention of  
15 accessing and disclosing tax returns?

16 A. That's correct.

17 Q. Do you believe that you weaponized your  
18 access to unmasked taxpayer data to further your  
19 own personal political agenda?

20 A. I think that's strong language, language  
21 I would not use. But...

22 Q. Do you think --

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1           A. They'd like to characterize it that way;  
2     you know, that's their right. That's the  
3     government.

4           Q. But I'm asking you, do you disagree with  
5     it? Do you think it's wrong?

6           A. I think that's charged language. Yes.

7           Q. So yes, you think it's wrong because it's  
8     charged language?

9           A. My own personal political agenda? I, at  
10    the time, felt that people would want to know and  
11    people could be forgiven for thinking they had the  
12    right to know what the President paid in taxes.

13                  And if you want to call that a personal  
14    political agenda, you know, that's certainly the  
15    government's right to say it.

16           Q. Okay. But you're not saying it's  
17    inaccurate. You're saying that's the government's  
18    way to -- how they put it.

19           A. That's how they put it.

20           Q. On page 2, under 1(a) -- it's under the  
21    section called defendant's disclosure of public  
22    official A's tax returns and return information --

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1 public official A is Donald Trump?

2 A. Yes. Correct.

3 Q. In 2017 -- and at that point, Trump was  
4 President, right?

5 A. He was.

6 Q. In 2017, defendant once again sought work  
7 with Company A -- that's Booz Allen?

8 A. That's correct.

9 Q. -- with the hope and expectation of  
10 accessing and disclosing tax returns and return  
11 information associated with the public official A,  
12 a high-ranking government official.

13 Is that an accurate statement?

14 A. Yes.

15 Q. And when I say accurate, I mean that you  
16 agree with the contents of that --

17 A. I agree --

18 Q. -- sentence.

19 A. -- with the contents.

20 Q. It then says -- and it cites to factual  
21 basis at paragraph 5 but also PSR at paragraph 16,  
22 right?

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1 A. Yes.

2 Q. Do you know what the PSR was?

3 A. Presentence report.

4 Q. Okay. And that's a report that is  
5 generated by probation?

6 A. Yes.

7 Q. And that, in part, is -- the information  
8 they report on is based on an interview with you.

9 A. It is.

10 Q. And were you interviewed by probation?

11 A. I was.

12 Q. And was your counsel present for that  
13 interview?

14 A. Yes.

15 Q. And were you truthful with the probation  
16 officer?

17 A. Yes.

18 Q. And the next sentence says, Defendant  
19 viewed public official A as, quote -- as dangerous  
20 and a threat to democracy, end quote, and he  
21 intended to obtain public official A's taxpayer  
22 information from the IRS and provide it to the

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1 public. And it cites to the PSR at paragraph 16.

2 Is that an accurate characterization of  
3 what you told the probation officer?

4 A. It is.

5 Q. So at the time, you believed that  
6 President Trump was dangerous and a threat to  
7 democracy, right?

8 A. I did. Yes.

9 Q. You said that one of the reasons that you  
10 wanted to -- well, let me ask you: Why did you  
11 believe he was dangerous?

12 A. Well, I felt that -- part of what sent me  
13 down this path, you know, began not really with  
14 his election, but after, with, you know, the  
15 scandal around his firing of James Comey, FBI  
16 director, after he, you know, demanded loyalty  
17 from James Comey. And it had echoes of what Nixon  
18 had done, at least I felt.

19 So, you know, I thought that it  
20 represented a breach of norms -- maybe not a  
21 breach of the law, but a breach of norms around,  
22 you know, how presidential power should be

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1     executed. And part of that triggered a thought in  
2     my head about, of course, norms related to  
3     releasing, you know, your tax returns during the  
4     presidential election -- as something that had  
5     been upheld since Nixon, which he violated. And  
6     it came to me that, you know, wow, I used to have  
7     access to this type of information.

8             And that's how it all started.

9             Q. So did President Trump have a legal  
10     obligation to release his tax returns?

11            A. No. As I said before, he didn't.

12            Q. So it was your view that he should?

13            A. I thought that it would be a public  
14     benefit if they were something that people could  
15     see.

16            Q. Did you believe that revealing his tax  
17     return information would show that he was  
18     dangerous and a threat to democracy?

19            A. No. It had nothing to do with that.

20            Q. So is it fair to say that your desire to  
21     release his -- or to disclose his tax information  
22     was based on your belief that he was, independent

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1 of his tax return, dangerous and a threat to  
2 democracy?

3 A. I thought that it was simply my small  
4 ability to help uphold a norm, and that was my  
5 motivation.

6 Q. Okay. And I think you've already said  
7 this, but it wasn't -- there was nothing in the  
8 tax return you thought would show that he was  
9 dangerous.

10 A. I didn't know what was in his tax return.  
11 I had no idea.

12 Q. How --

13 A. That wasn't the motivation --

14 Q. Okay.

15 A. -- at the time.

16 Q. And again, you were accurate with the  
17 probation officer that you viewed him as dangerous  
18 and a threat to democracy --

19 A. That's something I said. Yes.

20 Q. And that was your motivation for  
21 releasing his tax return?

22 A. That was part of how I felt.



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1 Q. Okay. Just turn to page 9 of this  
2 memorandum. At the very bottom of the page the  
3 government writes, He executed -- you -- He  
4 executed his disclosure scheme over the course of  
5 multiple years -- emphasis by the government --  
6 plotting and calculating carefully at each step to  
7 minimize the risk of detection and maximize the  
8 impact of his disclosures.

9 Did I read that correctly?

10 A. Yes.

11 Q. Do you agree with that?

12 A. Yes.

13 Q. The next sentence is, Indeed, he  
14 reorganized his entire life around this crime,  
15 reapplying to work at Company A in 2017 with,  
16 quote, the goal of getting access to taxpayer  
17 information for Donald Trump, right?

18 A. That's correct.

19 Q. And that's a quote, at least in this  
20 document, to the probation report -- the  
21 presentence report.

22 A. Correct.

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1 Q. And is that an accurate reflection of  
2 what you told the probation officer?

3 A. They interpreted my actions as  
4 reorganizing my entire life. I didn't say that  
5 specifically, but it is what happened.

6 Q. Okay. And -- but you did reapply to work  
7 at Booz Allen in 2017, quote, with the goal of  
8 getting access to taxpayer information --

9 A. That was --

10 Q. -- for Donald J. Trump.

11 A. -- one goal.

12 Q. That was one goal?

13 A. Yeah.

14 Q. Do you believe that you were politically  
15 motivated by your -- to release the tax returns?

16 A. Not in a partisan way.

17 Q. Not in a partisan way? What do you mean  
18 by partisan?

19 A. Well, if Chairman Xi was running for  
20 President and didn't release his tax returns, then  
21 I would have the same feeling, I think.

22 Q. Chairman Xi is, of course, the -- I'm not

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1 sure he's the president or premier of China, so  
2 he's not really a partisan of the United States.

3 A. Correct. But if you'd imagine that he  
4 was some sort of left-wing authoritarian.

5 Q. Okay. So basically, your view is that  
6 Donald Trump was an authoritarian, and so you were  
7 looking to do something to cause some kind of harm  
8 to him?

9 A. Less about harm, more just about a  
10 statement. I mean, there's little harm that can  
11 actually be done to him, I think.

12 Q. To him, specifically?

13 A. He's shown a remarkable resilience.

14 Q. Okay. I'm going to show you now --

15 MR. BURCK: Let's mark it as -- well,  
16 actually, let's start with your -- yes, your  
17 memorandum in aid of sentencing.

18 MS. MANNING: Would this be a good time  
19 for a quick break?

20 MR. BURCK: Oh, sure. Any time. Off the  
21 record.

22 VIDEO TECHNICIAN: The time is 10:35 a.m.

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1 This ends unit 1. Off the record.

2 (A recess was taken.)

3 VIDEO TECHNICIAN: The time is 10:47 a.m.

4 This begins unit 2. We're on the record.

5 BY MR. BURCK:

6 Q. Mr. Littlejohn, we were discussing some  
7 elements of the sentencing. I'm going to move on  
8 to the actual work you did from 2017 through  
9 2021 --

10 A. Certainly.

11 Q. -- at the IRS.

12 So could you tell us, what was your job?

13 A. My job was to support Identity Assurance  
14 in their management ownership of secure access.  
15 And it was analytics work, my part of the project,  
16 and I started as, you know, a supporting analyst  
17 and then later was managing the analytics  
18 workstream.

19 And the work, as we discussed, you know,  
20 previously, was trying to help IRS Identity  
21 Assurance improve secure access in ways that did  
22 not mitigate its effectiveness at preventing

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1 fraud, so improve its ability to process good  
2 taxpayers, legitimate taxpayers, and increase  
3 security around the system. That involved knowing  
4 and understanding the way the system worked, the  
5 way that data flowed through the system.

6 And -- so we put together reports. We  
7 did -- investigated potential areas of improvement  
8 to the filters, and provided, you know, official  
9 numbers of people coming through, success rates  
10 and the like, to the associated stakeholders of  
11 IRS and other outside stakeholders.

12 Q. In and this work, you had access to tax  
13 return information --

14 A. That's correct.

15 Q. -- of taxpayers.

16 Okay. Similar to your level of access in  
17 your prior round with IRS?

18 A. That's right.

19 Q. So you could, theoretically, access  
20 anyone's tax return in that job?

21 A. Yes.

22 Q. Were you able to access anyone's tax

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1 return?

2 A. I was able to access tax returns at will.

3 Yes.

4 Q. And unlike before, you actually did  
5 target certain people.

6 A. That's correct.

7 Q. Okay. Let's talk a little bit about your  
8 team.

9 A. Sure.

10 Q. Who was your supervisor?

11 A. Paul Wight.

12 Q. And that's W --

13 A. This is the IRS?

14 Q. IRS supervisor.

15 A. Yeah.

16 Q. And he was your supervisor?

17 A. That's right.

18 Q. Paul Wight, W-i-g-h-t?

19 A. You got it.

20 Q. And what was his title? Do you recall?

21 A. Assistant director, something like that.

22 He was essentially the CO.

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1 Q. Okay. Was he your -- did you directly  
2 report to him?

3 A. Yes.

4 Q. Was there anybody else you directly  
5 reported to?

6 A. Well, there was other directors of  
7 Identity Assurance, and then there were other IRS  
8 analysts on the team.

9 Q. Okay. Let me go through a list of names,  
10 and you tell me if you know who they are and what  
11 they did.

12 A. Yeah. Sure.

13 Q. Nanette Downing.

14 A. She was the director, Identity Assurance.

15 Q. Was she an IRS employee?

16 A. That's right.

17 Q. And what was her job, as far as you  
18 understood it?

19 A. She ran Identity Assurance.

20 Q. Did you communicate with her?

21 A. Yes.

22 Q. Was it regular?

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1           A. It was regular enough. Certainly not on  
2 a day-to-day basis. But...

3           Q. Okay. How did you communicate with  
4 people, before we go through other names? Was it  
5 through e-mail?

6           A. E-mail, Skype --

7           Q. Skype?

8           A. -- in person, phone.

9           Q. E-mail, Skype, and in person. Okay.

10                  And when you say the phone, you're saying  
11 text messages?

12           A. Typically not text messages. It would be  
13 phone calls.

14           Q. And did you have a personal cell phone  
15 that you used, or was it an IRS-issued cell phone?

16           A. I didn't have an IRS-issued cell phone,  
17 no, it was personal.

18           Q. Your own cell phone?

19           A. Yeah.

20           Q. Did you have apps on the cell phone, like  
21 WhatsApp, Signal, things like that?

22           A. I did, yes.



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1 Q. Did you use those for your work with the  
2 IRS team?

3 A. No.

4 Q. So you used Skype, e-mail, in person.  
5 And then cell, you would talk to people?

6 A. Yes.

7 Q. Were there any security protocols around  
8 the use of the cell phone to talk to people?

9 A. You mean like eavesdropping or --

10 Q. No. I mean, like, were you allowed to  
11 talk about tax return information with people on  
12 the IRS team by cell?

13 A. Yes. That was fine. I mean, you  
14 wouldn't do that in a crowded cafe.

15 Q. But you could call them from home, for  
16 example, and say, hey, I want to talk about this  
17 tax return, for example, if you wanted to?

18 A. No, it wasn't about that. It wasn't  
19 about tax returns, typically. Because the data  
20 that we got was data from a system, an online  
21 system, that people, you know, provided PII or  
22 matching information that would authenticate them.

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1           So that aspect was not tax return  
2     information. The only aspect of tax return  
3     information that would be brought in to this type  
4     of work was typically trying to understand  
5     demographics and then filing status-type stuff.

6           Q. And that information would appear on the  
7     tax return, or that would appear in a different  
8     database? The demographics?

9           A. Database of tax return information it  
10    would appear in.

11          Q. So it would collate that information into  
12    a separate database?

13          A. Yes. And it would -- it's -- in an  
14    analytics database, yes, that the IRS maintains.

15          Q. Okay. So just -- and forgive my lack of  
16    technical precision --

17          A. Certainly.

18          Q. -- or knowledge, but there would be tax  
19    returns that are available, and then there would  
20    be some kind of program that would pull  
21    information for those tax returns and collate  
22    them?

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1 A. Yeah. You could say that.

2 Q. Okay. But you had access to the  
3 underlying tax returns itself --

4 A. Uh-huh.

5 Q. -- including the names, the addresses,  
6 the amount that -- capital gains, the capital  
7 losses income, all that.

8 A. That's right, yes.

9 Q. Is there any reason why the specific  
10 information that you needed for your purpose was  
11 not on a separate database, that it was just  
12 collated with the information you needed?

13 A. Well, it's hard to know ahead of time  
14 what you need, and --

15 Q. Did you need to know the income tax of  
16 individuals?

17 A. Absolutely.

18 Q. Okay.

19 A. That helped with demographics. Part of  
20 the problem with the system was it wasn't serving  
21 taxpayers of moderate or low-income needs -- or  
22 low-income status. So we need to know if, you

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1 know, it was having a disproportionate negative  
2 effect on them. So that's how you get that  
3 information.

4 Q. And then, with respect to the Skype, how  
5 did the Skype work? Was that both written and  
6 oral, or verbal?

7 A. Yes.

8 Q. Okay. So there was a record of your  
9 communications with your team about your work?

10 A. I don't know if there's a record.

11 Q. But there was something you wrote at the  
12 time through Skype?

13 A. Yeah. There's instant messaging,  
14 essentially.

15 Q. Instant messaging. Right.

16 And the e-mails, of course, was also --  
17 you used that to communicate with --

18 A. Yes.

19 Q. And did you use written communications  
20 frequently with your team?

21 A. Yes.

22 Q. And did you speak to them on the phone

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1 quite a bit?

2 A. Uh-huh.

3 Q. And you said that you didn't really use  
4 text, but did you use text at all to communicate  
5 with them?

6 A. With my team? You know, text was  
7 typically, you know, are you getting on the call,  
8 you know, type thing. It was not about work --

9 Q. Okay.

10 A. -- like specifics.

11 Q. So the work specifics was really Skype  
12 and e-mail.

13 A. Uh-huh.

14 Q. Anything else --

15 A. And phone.

16 Q. And phone. But --

17 A. That's it.

18 Q. Okay. Let me go through some other names  
19 with you.

20 Monnae Markham. I hope I'm saying her  
21 name correctly.

22 A. Yeah. She was an analyst, an IRS person

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1 attached to our analytics team.

2 Q. And she worked for the IRS?

3 A. She does.

4 Q. And did you communicate with her  
5 frequently?

6 A. Uh-huh.

7 Q. And what was her job, exactly?

8 A. Part of what IRS wanted to do was to  
9 train their own data analysts, and so we were  
10 helping with that. And she was given  
11 responsibilities that would be similar to the  
12 types that we were given.

13 Q. Similar to the types you were given  
14 meaning what?

15 A. She'd help prepare reports.

16 Q. And you were there to train her?

17 A. Uh-huh.

18 Q. So she was inferior to you in terms of  
19 the hierarchy.

20 A. If I was a senior analyst, she was an  
21 analyst. Yes.

22 Q. She reported to you?

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1 A. Hard to say that, though, because how  
2 could she report to a consultant?

3 Q. But functionally, day to day, she --

4 A. She reported to Paul.

5 Q. Okay.

6 A. We just helped.

7 Q. Did you supervise her work?

8 A. No.

9 Q. So you were training her, but you were  
10 not supervising her?

11 A. Can you define that a little bit more --

12 Q. I mean --

13 A. I couldn't tell her, you know, you're  
14 doing -- I mean, I couldn't tell her she's doing a  
15 bad job.

16 Q. Well, how would you train her, then?

17 A. I wouldn't use that type of language.

18 Q. Would you tell her how to do things  
19 better than she otherwise might know because she  
20 wasn't as --

21 A. Sure --

22 Q. -- expert --

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1           A. -- limited to tasks, you know, that were  
2 appropriate.

3           Q. Okay.

4           A. We weren't working on her goals or  
5 anything.

6           Q. Okay. Going back to Paul Wight, you  
7 communicated with him frequently?

8           A. Yes.

9           Q. By Skype, e-mail, cell?

10          A. Yeah.

11          Q. What about Brandi Warren? Who is she?

12          A. Similar to Monnae. Same type of  
13 position.

14          Q. So someone you also were training?

15          A. Yes.

16          Q. And as you said, you were a senior  
17 analyst and she would be an analyst?

18          A. That's how I viewed it, but probably  
19 wasn't -- absolutely was not officially what it  
20 was like.

21          Q. And did Ms. Warren come to you to get  
22 feedback on her work?



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1 A. Yeah. Sure. She --

2 Q. Was that --

3 A. -- she was eager to know how to improve.

4 Q. So you would give her advice?

5 A. Oh, yeah.

6 Q. And again, you communicated with her by  
7 Skype, e-mail, cell?

8 A. Correct.

9 Q. Adrienne Smith. Who's that?

10 A. She worked under Paul, but not with me in  
11 an analytics capacity.

12 Q. Okay. Did you have much communication  
13 with her?

14 A. Occasion -- well, when we had certain  
15 tasks we were working on, we would communicate  
16 more frequently. But not as often.

17 Q. What types of tasks?

18 A. We introduced a chat bot to help people  
19 with the authentication workflow, or secure access  
20 workflow, and she was managing that.

21 Q. Okay.

22 A. So we -- for that particular task, we

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1 were communicating a bit.

2 Q. What about Mark Halpin?

3 A. Yes. Mark Halpin. What would you like  
4 to know about him?

5 Q. What was his job, as far as you  
6 understood it?

7 A. He ran a -- he was, like, a  
8 contracts-type guy, and he also ran, like, a fraud  
9 call with other IRS -- other people at IRS  
10 organizations that would get together and talk  
11 about fraud, like, on a biweekly basis.

12 Q. And he was an IRS person?

13 A. Uh-huh.

14 Q. Did you communicate with him?

15 A. Same -- yeah.

16 Q. Same thing?

17 A. Same type of thing.

18 Q. Okay. And this is all -- all these  
19 people, you're communicating with them about your  
20 job, correct?

21 A. Yeah. And their job.

22 Q. And their job. But you were working on

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1 the same team.

2 A. That's right.

3 Q. Okay. Cody Thierry.

4 A. Yeah.

5 Q. Thierry?

6 A. Thierry.

7 Q. Thierry. Who was he or she?

8 A. He was, or is, kind of like an operations  
9 person, sort of Paul's deputy in a way --

10 Q. Okay.

11 A. -- at least for a time.

12 Q. And again, somebody --

13 A. So --

14 Q. -- you communicated with?

15 A. Yeah. So he helped manage the backlog of  
16 items, work requests for secure access. So he'd  
17 run those calls with IT. IT would be on there.

18 Q. Okay. And IT was part of IRS?

19 A. That's right, es.

20 Q. Okay. Matthew Leibner.

21 A. Yes. So Matthew was not in our  
22 organization. He was in online services. So --

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1 but he did a lot of work with us. He did a lot of  
2 stuff. A lot of stuff.

3 Q. Can you give us just some examples of the  
4 stuff that stands out to you.

5 A. He was a product owner for Get My Payment  
6 Application when that went online during the  
7 pandemic, to get the economic impact payment. So  
8 that was -- that was a big part of his work.  
9 Also, just -- he was basically the person in  
10 online services that dealt with secure access.

11 Q. Okay. What about Ashley Kent?

12 A. I don't recall her.

13 Q. Don't recall her? Okay.

14 I'm going to go through a few more names,  
15 and then just tell me if you know who they are.

16 Marsha Coleman.

17 A. Yeah, Marsha. She was the contract  
18 officer.

19 Q. Again, an IRS employee --

20 A. She was, like, the COR.

21 Q. The COR? What does that mean?

22 A. It's -- there's a contract officer at IRS

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1 that manages the contract. The COR is like -- I  
2 guess it's the contract officer representative.  
3 They are who you'd go to when you need access to  
4 certain things or you have questions about the  
5 contract or you're dealing with contract-related  
6 matters.

7 Q. Okay. Alyssa Seiden.

8 A. The name is --

9 Q. If you don't remember --

10 A. -- familiar, but I don't remember what  
11 they did.

12 Q. Okay. Sandra Jackson?

13 A. I don't know. I don't know. These are  
14 names -- I don't know if they were from this  
15 particular project --

16 Q. Okay.

17 A. -- but I didn't work with them on a  
18 day-to-day basis.

19 Q. Okay. And then just a few more.

20 Sandy Lin?

21 A. Sorry.

22 Q. John Weaver?

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1 A. I don't remember.

2 Q. Rene Schwartzman?

3 A. Yes. Rene. So Rene was the person that  
4 was the director of Identity Assurance before  
5 Nanette.

6 Q. And is that somebody you would  
7 communicate with while she was --

8 A. Uh-huh.

9 Q. -- working there?

10 A. Yep.

11 Q. Okay. By Skype -- usual --

12 A. Correct.

13 Q. -- things we talked about.

14 And then what about Mathew Nelker?

15 A. Familiar, but I don't remember what his  
16 role was.

17 Q. Okay.

18 A. I'm sorry.

19 Q. That's all right.

20 So when you started working on this  
21 project in 2017, where were you working?

22 A. Primarily at 1111 Constitution Avenue.

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1 Q. Which is what?

2 A. IRS headquarters.

3 Q. And did you have an office at Booz Allen?

4 A. Hot desk --

5 Q. Hot desk?

6 A. Yes.

7 Q. But you had an office at the IRS?

8 A. That's right.

9 Q. And how many days a week would you be at  
10 the IRS headquarters?

11 A. Four out of the five.

12 Q. Four out of five. And the fifth day you  
13 could work from home or wherever you wanted to be.

14 A. Yep.

15 Q. And you had daily interactions with the  
16 people at least that you remembered from the list  
17 I went through, like Paul Wight and Monnae  
18 Markham?

19 A. Well -- do you mean virtual or in person?

20 Q. Either.

21 A. Definitely virtual.

22 Q. Right.

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1 A. Rarely -- not as much in person --

2 Q. Okay. But --

3 A. It was a distributed team.

4 Q. Distributed team. So they would be  
5 spread out around --

6 A. The country.

7 Q. -- the country. Okay.

8 So they would be spread out around the  
9 country, but you had daily communications and  
10 contact with the people that you needed to work  
11 with every day?

12 A. Correct.

13 Q. And you had an IRS e-mail?

14 A. Correct.

15 Q. Did you have an IRS laptop?

16 A. Correct.

17 Q. And when did you get that IRS laptop?

18 Not exactly a time --

19 A. February. Early February 2018.

20 Q. Okay. And before that, from  
21 October through February, did you not have one?

22 A. I did not.



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1 Q. So how were you doing your work from that  
2 period?

3 A. It was quite difficult.

4 Q. And how -- well, how did you do it?

5 A. Well, I basically wasn't doing what you  
6 even would call analytics work. I was putting  
7 together PowerPoints and such, so basically the  
8 work that you give a new hire to do when they  
9 don't have real work to do.

10 Q. Was that part of your interim clearance  
11 issue, that you had to get full clearance?

12 A. No. This was simply a provisioning of  
13 computers, and they -- then the different steps  
14 they have involved with that.

15 Q. Did you understand, when you started back  
16 with the IRS, that you would eventually get a  
17 laptop from them?

18 A. Yes.

19 Q. Because it was necessary for you to do  
20 your job.

21 A. Yes.

22 Q. Did you request one, or did they just

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1 tell you you're going to get one eventually?

2 A. I don't understand the distinction.

3 Q. It doesn't matter. But the point is that  
4 you knew you were going to get one.

5 A. Yes.

6 Q. Okay. And the delay was just how --  
7 provisioning laptops?

8 A. Yes.

9 Q. Okay.

10 A. Well-known delay.

11 Q. So when you -- before you got the laptop,  
12 were you able to, in any way, access tax return  
13 information?

14 A. No.

15 Q. And then when you got it, you were then  
16 at that point able to access tax return  
17 information.

18 A. As soon as the provisioning came through  
19 for the different systems access.

20 Q. Okay. And then when you came back on  
21 board the IRS, did you get new training for  
22 purposes of handling this sensitive information?

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1 A. Yes.

2 Q. What type of training did you get?

3 A. Similar types. Essentially --

4 Q. Similar to what you'd gotten before?

5 A. Yeah. UNAX, unauthorized access, 6103.

6 You know, we had that training. Also Booz Allen

7 training. There was even a session that was,

8 like, Booz Allen that -- specific IRS, you know,

9 security training session.

10 Q. And the IRS training was done by IRS  
11 personnel?

12 A. It was computer.

13 Q. Computer?

14 A. Yeah.

15 Q. Okay. So it wasn't in person; it was by  
16 computer that you did --

17 A. Yeah.

18 Q. -- the training?

19 A. That's correct.

20 Q. Okay. And then Booz Allen was in person  
21 or --

22 A. Yeah, they had an in-person one.

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1 Q. Okay. And was that -- did you have to  
2 certify that you had completed the training?

3 A. They did it on a voluntary basis. I  
4 mean, yes --

5 Q. "They" being --

6 A. -- I certified, but -- you know, IRS  
7 didn't ask Booz Allen to do this. They just  
8 wanted to go the extra mile.

9 Q. Let's start with the IRS. Did you have  
10 to certify that you had --

11 A. Yes.

12 Q. -- done the IRS training?

13 A. Yes.

14 Q. Okay. And how did you do that? Was that  
15 electronic?

16 A. Yes.

17 Q. And as far as you know, did you complete  
18 the training?

19 A. Yes.

20 Q. And then the Booz Allen was a voluntary  
21 training?

22 A. It was mandatory for us --

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1 Q. And --

2 A. -- voluntary for Booz Allen to do it.

3 Q. I see. Okay. And the IRS training,  
4 though, was mandatory.

5 A. Yes.

6 Q. And did you have to do that on an annual  
7 basis?

8 A. Yes.

9 Q. And did you do it every year?

10 A. Yes.

11 Q. And you completed it every year?

12 A. Yes.

13 Q. And just generally, what was the training  
14 about with respect to UNAX, for example?

15 A. Giving examples. And then you would  
16 answer questions related to it.

17 Q. Okay.

18 A. You had to meet a certain threshold of  
19 answering the questions correctly.

20 Q. And did you understand that you were  
21 meant to maintain the confidentiality of the tax  
22 return information that you had access to?

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1 A. Yes.

2 Q. Let's talk about, like, a day-to-day type  
3 of -- well, how you operated day to day.

4 What was -- when did you start work in  
5 the morning?

6 A. It changed over time, but I'd usually get  
7 in between, you know, 7:45, 8:00, 9:00.

8 Q. So you'd start around 7:45, 8:00, 9:00?

9 A. Uh-huh.

10 Q. And that would be in person or remote?

11 A. Yes. That's right.

12 Q. And just take us through -- without  
13 getting into, you know, specific --

14 A. Yeah.

15 Q. -- tax return information, just take us  
16 through what a normal day would look like for you.

17 A. By the time I rolled off the project, I  
18 was in a management role, so a number of meetings  
19 a day. You know, we'd have meetings with --  
20 excuse me -- IRS people on a project. We'd have  
21 meetings with IT. We would -- I'd be checking in  
22 with my team members about the different, you

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1 know, tasks I had given them. We'd have internal  
2 team meetings every Monday. We'd have meetings  
3 with our sister project and online services. And  
4 we'd have a Wednesday analytics, like, kind of  
5 confab or meeting where all these other teams  
6 would kind of listen to us talk about how things  
7 have been over the past week in secure access.

8 So we'd be Monday and Tuesday preparing a  
9 briefing every week, essentially, for this  
10 Wednesday meeting.

11 And -- I don't know. To the outsider it  
12 sounds, I imagine, pretty mundane, but, you know,  
13 we -- that's pretty much the content of our work.

14 Q. And the meetings you were having were  
15 with IRS personnel and some -- and Booz Allen  
16 people?

17 A. Correct.

18 Q. And this was normal for you to be in  
19 meetings with the IRS and Booz Allen people on  
20 your team?

21 A. Yeah. IRS and Booz Allen people. Yes.

22 Q. Right. And you said that you became a

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1 manager eventually?

2 A. Yes.

3 Q. Did your day-to-day functions change  
4 materially between when you were not a manager and  
5 when you were a manager?

6 A. I was supposed to delegate more.

7 Q. But you didn't.

8 A. Not always. I tried.

9 Q. Okay.

10 A. I mean, we had a lot of work to do.

11 Q. Right. Did you -- when you first  
12 started -- well, let me ask you this: When did  
13 you become a manager, roughly?

14 A. End of April of 2019.

15 Q. April of 2019?

16 A. Yep.

17 Q. Okay. And what did --

18 A. Or May 2019.

19 Q. May 2019?

20 A. Oh -- sorry, I want to be correct on  
21 this.

22 It was end of April 2019.



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1 Q. End of April 2019.

2 And how did your functions exact -- how  
3 did they change, exactly?

4 A. It was gradual. At the time, it was just  
5 two people on my task, because we had lost a lot  
6 of members. One was -- a lot of teammates. One  
7 was on maternity leave, another just had -- falled  
8 off to join Google.

9 But basically I was -- over time, I had  
10 more people who I was charged with, you know,  
11 managing, and that meant more meetings with them  
12 one on one, more training with them on how to do  
13 the type of work we did.

14 So it became less about individual  
15 contribution and more about trying to help others  
16 succeed.

17 Q. And you were managing, effectively?

18 A. Yes.

19 Q. And you were managing members of your  
20 team?

21 A. Yes.

22 Q. And that included IRS and Booz Allen

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1 people?

2 A. Well, they wouldn't say that.

3 Q. But what would you say?

4 A. It felt like I was managing them.

5 Q. And "them" means IRS personnel?

6 A. Yes.

7 Q. From your perspective, they saw you as a  
8 boss, manager?

9 A. Well, that's tricky because certainly  
10 they didn't -- I wasn't writing their assessment.

11 Q. Right.

12 A. You know, but we would -- I could task  
13 them --

14 Q. You --

15 A. -- that's accurate.

16 Q. Functionally, you were acting like a  
17 manager for these people --

18 A. Yes.

19 Q. -- including IRS people?

20 A. Yes.

21 Q. And you were a manager basically until  
22 you left in 2021.

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1 A. Yes.

2 Q. What -- just in time -- you said that you  
3 became a manager at the end of April 2019.

4 When did you first get access to Donald  
5 Trump's tax returns?

6 A. This would have been October 2018.

7 Q. So you got access before you were a  
8 manager?

9 A. Yes.

10 Q. And then when did you decide to release  
11 them or disclose them to the New York Times?

12 A. When did I decide or when did I disclose  
13 them?

14 Q. Let's do both.

15 When did you decide you were going to do  
16 it?

17 A. I had --

18 MS. SMITH: We're just going to object  
19 based on 6103 to the extent he's going to start  
20 talking about specific tax return information of  
21 Donald Trump.

22 MR. BURCK: I'm just asking when did

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1 he --

2 MS. SMITH: I just want to make sure --

3 MR. BURCK: I'm not going to ask him  
4 about what's in it.

5 MS. SMITH: We want to make sure that  
6 whatever he accessed or disclosed specific to  
7 Donald Trump, he does not testify to.

8 MR. BURCK: He's not going to -- I'm not  
9 going to ask him anything about what he -- other  
10 than what's in the New York Times. But I will  
11 not --

12 BY MR. BURCK:

13 Q. I'm just asking you, when did you decide  
14 to disclose it to the New York Times.

15 A. Specifically the New York Times?  
16 May/April time frame 2019.

17 Q. Okay. So around the same time you became  
18 a manager.

19 A. Uh-huh. A lot was going on in my life at  
20 that time, though.

21 Q. Understood.

22 Did you think about other outlets to go

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1 to other than the New York Times?

2 A. Yeah, I did.

3 Q. Can you tell us what other outlets?

4 A. Wall Street Journal, Washington Post.

5 Q. Okay. And do you remember when you  
6 decided to disclose the wealthy Americans' tax  
7 returns?

8 A. July 2020.

9 Q. Okay. So at that point, you'd been a  
10 manager for roughly a year, a year and a little  
11 bit.

12 A. Uh-huh. That's correct.

13 Q. Okay. All right. We'll come back to  
14 that.

15 All right. I'm going to now show you an  
16 exhibit -- actually, it's one that's already been  
17 introduced. It's Exhibit 3, which is the plea,  
18 the factual basis for the plea.

19 So the last page -- we'll just be very  
20 brief on this. The first paragraph of the  
21 defendant's acceptance, you say that the -- or you  
22 sign that the preceding statement/summary made for

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1 the purpose of providing the court with the  
2 factual basis for my guilty plea to the charge  
3 against me.

4 Then you write, It does not include all  
5 the facts known to me regarding this offense.

6 Was that accurate, that it did not  
7 include everything that you knew about the  
8 offense?

9 A. That's correct.

10 Q. All right. We'll go to -- I don't think  
11 this has been marked yet -- Exhibit 6, which is --  
12 this is the transcript of the sentencing. Sorry,  
13 it's Exhibit 5.

14 (Littlejohn Deposition Exhibit 5 marked  
15 for identification and attached to the  
16 transcript.)

17 BY MR. BURCK:

18 Q. So Mr. Littlejohn, I don't know if you've  
19 seen this before, but you appeared for sentencing  
20 before Judge Reyes on January 29th of 2024,  
21 correct?

22 A. That's right.

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1 Q. And that was pursuant to your plea  
2 agreement and your plea in October of 2023, right?

3 A. Correct.

4 Q. And at that sentencing hearing, the judge  
5 spoke, the government spoke, your counsel spoke,  
6 and you spoke, correct?

7 A. Correct.

8 Q. Okay. If we can turn to page 25 of  
9 Exhibit 5.

10 All right. At the -- the last -- well,  
11 the last paragraph in that page, second sentence.  
12 And this is -- if you look earlier, this is a  
13 statement from Mr. Jacobson.

14 Do you know that he was one of the  
15 prosecutors --

16 A. Yes --

17 Q. -- in the case?

18 A. -- I did.

19 Q. Okay. So he's speaking in this part of  
20 the transcript.

21 He says -- again, on page 29, line 20 --

22 A. 29?

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1 MS. MANNING: I thought we were on 25.

2 MR. BURCK: I'm sorry. 29, line 20.

3 MS. MANNING: That you.

4 BY MR. BURCK:

5 Q. He says that the defendant plotted his  
6 thefts and disclosures over the course of  
7 approximately two full years. He learned over  
8 time to exploit IRS' -- exploit loopholes in IRS'  
9 systems.

10 Do you see that?

11 A. I see it. Yes.

12 Q. Is that an accurate statement by  
13 Mr. Jacobson?

14 A. I can add some context to that --

15 Q. That's going to be --

16 A. -- if you'd like.

17 Q. -- my next question. I was going to ask  
18 you --

19 A. Yeah.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]



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17 Q. Now, you -- in your plea, you said that

18 you went and you provided information about Donald

19 J. Trump's tax returns to the New York Times,

20 right?

21 A. Correct.

22 Q. And roughly, again, when did you do that?

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1 A. May 2019.

2 Q. Okay. So you had identified Mr. Trump's  
3 returns before this, correct?

4 A. Yes.

5 Q. But for several months, you didn't  
6 actually disclose them to anybody who was not  
7 authorized to see them.

8 A. Correct.

9 Q. Why did you wait that period of time?

10 A. I had still not settled on who or how,  
11 what steps I would take to approach a news  
12 organization.

13 Q. Okay. And --

14 A. So...

15 Q. -- how did you settle on the New York  
16 Times eventually?

17 A. A couple reasons. They had done  
18 previous -- mainly it's because of their previous  
19 work with Trump's finances. And I'd seen a  
20 documentary that had delved into their previous  
21 story on Fred Trump.

22 So, ultimately, they became the

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1 obvious -- or the choice, and I'd just go with  
2 them.

3 Q. How did you -- once you identified or had  
4 access to Mr. Trump's tax return, how did you  
5 maintain it? How did you get it to the New York  
6 Times?

7 A. Those are two separate questions, aren't  
8 they?

9 Q. You're right. Let's start with maintain  
10 it.

11 A. Well, I had it on flash drives --

12 Q. Flash drives?

13 A. Yeah.

14 Q. So you put it into your laptop, the flash  
15 drive in your laptop, and downloaded the tax  
16 return?

17 A. Which laptop are you speaking to?

18 Q. I'm asking you. What kind of laptop? Or  
19 how did you do it?

20 Why don't you just take us through step  
21 by step how you got the tax return off of the  
22 system.

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1 A. Okay. That's a very specific question.

2 Q. Yeah.

3 A. So as has already been reported, I made  
4 use of a private website that I could log into and  
5 I could upload the return data and then -- you  
6 know, on my IRS computer, I could do that. And  
7 then, on a separate computer, I could log in and  
8 download the data. IRS has -- well, I'll just  
9 leave it -- that's how it worked.

10 Q. IRS has what? You were about to --

11 A. Well, you can't access, you know, Dropbox  
12 or Google on an IRS network.

13 Q. So it blocks large, publicly available --  
14 or publicly available sites --

15 A. Yes.

16 Q. -- Google, Dropbox, things like that.

17 But as far as you understood it, it would  
18 not block creating a private website.

19 A. Yes.

20 Q. So if it was Google, no, but if it was  
21 charleslittlejohn.com, yes.

22 A. Essentially.

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1 Q. And how did you know this?

2 A. I tested it.

3 Q. And how did you test it?

4 A. I just uploaded an image file to a  
5 website that I had control over, and it worked.

6 Q. Was that before or after you had  
7 identified --

8 A. Before.

9 Q. -- Donald Trump's -- before.

10 And was that a test run to see if this  
11 would work?

12 A. Yes. That was the test run.

13 Q. Were you surprised that you were able to  
14 just substitute a private website for Google or  
15 Dropbox to allow you to upload information?

16 A. No. "Surprised" is not the word I'd use.

17 Q. What's the word you'd use?

18 A. Well, all it took was thinking of -- you  
19 know, thinking of this as an option. You know,  
20 it's -- it's not practical to block every website.  
21 I mean, you could say that only -- well, that's  
22 just -- in my mind, it didn't seem like there



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1 could be some type of way to prevent it.

2 Q. So you assumed that you could do this  
3 even before you did the test run?

4 A. That was -- yeah. I thought it was a  
5 good chance.

6 Q. Did you see that as a security issue for  
7 the IRS?

8 A. I don't know. That's not --

9 Q. Well, let me ask you this --

10 A. -- my space to comment on that.

11 Q. Well, you are -- partially -- part of  
12 your job was data security, right?

13 A. Not internally, no.

14 Q. Not internally. Just externally?

15 A. Yes.

16 Q. And so how did you know that Google and  
17 the rest were blocked?

18 A. Well known.

19 Q. Was it something you were told or was it  
20 something you knew from practice?

21 A. I don't recall.

22 Q. Okay. But you knew. You understood --

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1 A. Yes.

2 Q. -- that.

3 But you suspected that just putting it on  
4 a private website would be fine?

5 A. Yes.

6 Q. And it worked.

7 A. Yes.

8 Q. So when you accessed Donald Trump's tax  
9 returns, how long did it take for you -- or  
10 between -- was it an hour? A day? How long did  
11 it take for you to upload it to your private  
12 website?

13 A. A day. A few hours.

14 Q. Were you concerned that the IRS or some  
15 investigator might be alerted to the fact that you  
16 were downloading information from the laptop?

17 A. Oh, certainly.

18 Q. But you were not concerned enough not to  
19 do it. You thought that you could get away with  
20 it?

21 A. No.

22 Q. At the time?

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1 A. No, I didn't think I would get away with  
2 it.

3 Q. Did you think that they would come and  
4 stop you at the time?

5 A. I didn't know.

6 Q. So you tested it to see if it would work?

7 A. I had tested to see if it worked. I  
8 didn't -- there was no way for me to test to see  
9 if it would go undetected.

10 Q. But as far as you know, it did go  
11 undetected until -- for years, correct?

12 A. That's correct.

13 Q. So nobody came and knocked on your door  
14 or called you and said, what's going on, an hour  
15 after you did this.

16 A. Yes. But I had no way of knowing.

17 Q. But that didn't happen, right?

18 A. Correct.

19 Q. A month later, they didn't come.

20 A. Correct.

21 Q. A year later, they didn't come.

22 A. That's right.

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1 Q. Two years later they didn't come. We're  
2 talking 2018 -- right? 2020.

3 A. Two years later, they didn't come.

4 Q. 2021, did they come?

5 A. They did.

6 Q. They did. All right. So a few years  
7 before they came and asked any questions of you,  
8 or tried to; is that right?

9 A. Are we getting into investigation?

10 MS. MANNING: It's fine to answer.

11 THE WITNESS: They first came to me, yes,  
12 in 2021.

13 BY MR. BURCK:

14 Q. 2021. Okay. So you were successful for  
15 several years in uploading this information. And  
16 as far as you know, it was not detected.

17 A. That's right.

18 Q. And then when you had it on the private  
19 website, did it just sit there? What were you  
20 doing with it?

21 A. It just -- I just ferried it between. It  
22 didn't live on the private website; it just was

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1 temporary there.

2 Q. So where did it live?

3 A. I had it on a flash drive. Yeah. I just  
4 it had it in my house.

5 Q. And so you transferred it from the  
6 private website to the flash drive.

7 A. Yeah, essentially.

8 Q. Okay. So you had this for a number of  
9 months before you went to the New York Times.

10 A. Yes.

11 Q. Okay. And tell us why you decided the  
12 New York Times.

13 A. I -- again, I thought that they had the  
14 capability, you know, both to handle this type of  
15 story -- they had demonstrated that with their  
16 Pulitzer prize for Fred Trump. They had, you  
17 know, data security practices that I thought were  
18 sufficient, at least what I understood.

19 Q. And did you reach out to the New York  
20 Times?

21 A. I did.

22 Q. Who did you reach out to?

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1           A. Well, they have a Signal general, like,  
2   inbox, basically. And I asked to be put in touch  
3   with Sue Craig, and then they put me in touch with  
4   her.

5           Q. And who is "they"? Was it automatic or  
6   was it some --

7           A. They have somebody that mans their, you  
8   know, general Signal account, I think.

9           Q. And Signal you mean the app?

10          A. Yes.

11          Q. Okay. So -- and were these on  
12   disappearing messages or was it maintained? Do  
13   you know?

14          A. I don't know if they were on disappearing  
15   or not. I know that that might have been set  
16   later.

17          Q. Did you use your personal cell phone for  
18   the Signal -- to Signal with them?

19          A. Not the -- not my -- not my cell phone,  
20   that you say cell phone.

21          Q. What -- whose cell phone was that?

22          A. It was a phone that I just had in my

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1 possession --

2 Q. Was it a burner phone, as it's called?

3 A. It was an iPhone.

4 Q. It was an iPhone.

5 A. A burner iPhone, I guess.

6 Q. All right. But you bought it?

7 A. Yes, I had it.

8 Q. It was a -- it was another personal  
9 device. Did you use it only for purposes of  
10 trying to communicate with the --

11 A. Yes.

12 Q. -- New York Times?

13 And you bought it for that -- sorry.

14 A. I had it from -- it might have been my  
15 old phone. I upgraded my phone, I had this other  
16 phone. So --

17 Q. All right.

18 A. -- I could use it for that purpose.

19 Q. And you used that phone, not your -- the  
20 phone you used for work --

21 A. Correct.

22 Q. -- because you wanted to go undetected.

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1           A. I suppose it -- that could be a reason,  
2       yeah. I mean, I just didn't want to mix the two.

3           Q. All right. So when you got in touch with  
4       Sue Craig, did she reach out to you or did you --

5           A. Yes, she -- sorry.

6                 Yes, she messaged me, and we began a  
7       conversation.

8           Q. And she messaged you on Signal?

9           A. Correct.

10          Q. And so what -- in sum, what did she say  
11       to you and what did you say to her?

12          A. I told her that I had material of  
13       interest to her reporting on Donald Trump.

14          Q. And what did she say?

15          A. Interesting. Can you be more specific?

16          Q. And you told her what?

17          A. I told her I had, you know, X number of  
18       years and information that was ultimately  
19       published.

20          Q. X number of years of tax returns?

21          A. Correct.

22          Q. And did she want to verify that?



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1 A. Yes.

2 Q. And how did you go about verifying that  
3 for her?

4 A. We met in person.

5 Q. Okay. Where did you meet?

6 A. Kellogg Business Center. It's on the  
7 campus of Galludet University, near where I lived  
8 at the time.

9 Q. And why did you or she choose that  
10 location?

11 A. Convenience, and it had a big enough  
12 space for us to sit down --

13 Q. So you --

14 A. It was just a hotel room.

15 Q. It was a hotel room?

16 A. Yeah.

17 Q. Did you rent the hotel or did the  
18 New York Times?

19 A. They did.

20 Q. And was anybody else there other than Sue  
21 Craig?

22 A. Russ Buettner.

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1 Q. Who is that?

2 A. Another reporter.

3 Q. Did you identify yourself to them when  
4 you met with them?

5 A. Only that I was the one they were  
6 communicating with.

7 Q. Okay. Did you --

8 A. They didn't have my name or anything.

9 Q. Did you show them any of the tax returns  
10 at that point?

11 A. I wasn't sure if I was going to, but I  
12 did give them a peek at it, yes.

13 Q. And how did you give them a peek? Did  
14 you have it printed out or did you show it to them  
15 electronically?

16 A. Electronically.

17 Q. Did you put it into an iPad or a  
18 laptop --

19 A. A laptop.

20 Q. Your own or theirs?

21 A. My own.

22 Q. And you showed them what you had?

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1 A. Uh-huh.

2 Q. And what was their reaction?

3 A. They were intrigued. I mean, they had no  
4 idea whether it was, you know, verifiable or  
5 authentic. But...

6 Q. Did they ask you how you came into  
7 possession of these?

8 A. Uh-huh.

9 Q. What did you tell them?

10 A. I was an IRS contractor.

11 Q. So you didn't identify yourself by name,  
12 but you said that you were an IRS contractor.

13 A. Yep.

14 Q. Did they ask for you to prove that?

15 A. I showed them my badge, but I had my name  
16 with tape over it.

17 Q. I see. So they couldn't see your name,  
18 but they could see your face, obviously present,  
19 and they could see a badge.

20 And did they ask for any other proof that  
21 you worked for the IRS?

22 A. No.

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1 Q. So after this meeting, did you meet with  
2 them again?

3 A. Yes.

4 Q. And when did you meet with them again?

5 A. There may have been another meeting in  
6 D.C. -- I'm not entirely sure if there was -- but  
7 I know that there was a meeting at the beginning  
8 of July 2019 in New York City.

9 Q. Okay.

10 A. I was up in New York on a pleasure  
11 trip -- on a trip, and I had just mentioned it out  
12 of the blue to them that I could meet. And so we  
13 set up and -- they have some type of -- I don't  
14 know what you'd call it, a safehouse, and we just  
15 met, and I met with their editor.

16 Q. Okay. And was it the editor and the two  
17 of them?

18 A. Yes.

19 Q. Were there others there?

20 A. No.

21 Q. And the safehouse was in New York City?

22 A. Yes.

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1 Q. In between those meetings, had you  
2 provided the tax returns --

3 A. No.

4 Q. -- to the reporters?

5 So why were you meeting with the editor,  
6 then?

7 A. Well, he wanted to suss me out.

8 Q. So he was trying to vet you?

9 A. Yes.

10 Q. Did he want to know who you were?

11 A. Not at the time. He didn't need to know.

12 Q. Okay. So he was -- so what did he do to  
13 try to suss you out?

14 A. He asked a lot of questions.

15 Q. Like what?

16 A. Similar to these types of questions about  
17 my work history, about what did the returns look  
18 like, how did I, you know, extract them, what my  
19 motivations were, that sort of thing.

20 Q. He didn't offer you any money or  
21 anything.

22 A. No.

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1 Q. Did he offer you anything to get these  
2 tax returns?

3 A. No.

4 Q. Did anybody from the New York Times offer  
5 you anything of value --

6 A. They --

7 Q. -- money --

8 A. -- offered me -- sorry.

9 They offered me a cookie. I didn't even  
10 take it.

11 Q. So after this meeting where he sussed you  
12 out, what were your next steps before you actually  
13 provided it to the New York Times?

14 A. Well, they wanted to move along fast.  
15 You know, I still was vetting, I guess.

16 Q. Vetting them?

17 A. Yeah.

18 Q. For what?

19 A. You know, we were talking about how the  
20 story would be and, you know, how many people  
21 they'd assign to it. I just wanted to understand  
22 more about -- you know, this is a -- I wanted to

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1 understand what type of resources they'd put  
2 towards it, what type of security they'd, you  
3 know, deploy.

4 And -- so the next step was in August.  
5 You know, they wanted to start, and so I was like,  
6 okay, what we'll do is we'll put together a single  
7 year of data that I could share with them, and  
8 they could start working on understanding that, a  
9 year that corresponded to publicly available  
10 information so that it's not something that they  
11 could possibly make a story out of.

12 That was in August.

13 And then it must have been a couple of  
14 months later when, you know, we met again and I  
15 actually shared all of that, all of what, you  
16 know, I had collected.

17 Q. So before you did that, you had come to  
18 the conclusion that the New York Times was going  
19 to put a lot of resources into this.

20 A. Yes.

21 Q. And they were going to make it a  
22 significant story.

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1 A. Yes.

2 Q. And that gave you comfort that it was the  
3 right outlet to go to?

4 A. Yes.

5 Q. How --

6 A. Because part of this was I had, at the  
7 time, wanted to syndicate it beyond the New York  
8 Times. Even -- not, like, immediately, but I was  
9 working with them to understand, you know, could  
10 I -- could it go to other outlets? And of course,  
11 the Pentagon Papers went to The Times and to the  
12 Washington Post and to all over the country.

13 Q. Right.

14 A. But eventually, that seemed to be less  
15 important to me over time. But at the time, you  
16 know, we were still talking about it, I -- that  
17 was an interest of mine.

18 Q. The Times wanted it to be an exclusive.

19 A. Yes.

20 Q. They made that clear to you.

21 A. Yeah. But they did say that, you know,  
22 that eventually we could be open to -- you know,



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1 they were, like, let's do exclusive first; you can  
2 do what you want after that.

3 But then later, you know, they convinced  
4 me not to share it with anyone else.

5 Q. Okay. And did you eventually identify  
6 yourself by name to them?

7 A. I did.

8 Q. And when was that?

9 A. January 2020.

10 Q. January 2020. And put that in time for  
11 me as to when -- was that after or before you had  
12 actually provided them the tax return information?

13 A. After.

14 Q. So you provided them the tax return  
15 information when, again?

16 A. October 2019.

17 Q. And how did you do that? How did you get  
18 it to them?

19 A. Had it on a flash drive that they put  
20 into their computer, and then I took the flash  
21 drive back.

22 Q. Okay. So they made a copy of it.

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1 A. Yeah.

2 Q. Was it the same flash drive that you --

3 A. Different one.

4 Q. Different one. So you transferred it  
5 between flash drives.

6 And did you have -- did you maintain the  
7 prior flash drive? Did you still have it? At the  
8 time.

9 A. At the time, yes.

10 Q. Did you destroy any of the flash drives  
11 at the time?

12 A. Not at the time.

13 Q. So now The Times has it --

14 A. Uh-huh.

15 Q. -- they've downloaded it, and they're  
16 going to write their story.

17 A. Uh-huh.

18 Q. Did you maintain contact with them while  
19 they were writing their story?

20 A. Yes.

21 Q. Did they ask you questions about the tax  
22 return information that you had provided?

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1 A. Yes.

2 Q. Did you give them answers?

3 A. To the best of my ability.

4 Q. Did you do additional queries in the  
5 system to assist them with getting additional  
6 information?

7 A. They didn't know that I was doing that.

8 Q. But did you do that?

9 A. Yes.

10 Q. So they had asked you questions. If you  
11 didn't know the answer and you thought that you  
12 could help by going to the system and running  
13 additional queries, you would do that?

14 A. Yes.

15 Q. And then you'd provide them information  
16 as a result of the questions?

17 A. No.

18 Q. So what would you do?

19 A. They'd ask a question. I'd say, I don't  
20 know. You know, sometime later I did, without  
21 their knowing, procure another set of data for  
22 them, additional data.

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1           And at the meeting where I disclosed my  
2     name, you know, I asked them -- I told them that I  
3     have additional data for you. If you feel, like,  
4     it is, you know, within your legal right to accept  
5     it, here it is.

6           Q. And why did you ask them if it was within  
7     their legal right to accept it?

8           A. I understand that they can't solicit from  
9     individuals illegal actions. And they didn't.  
10    They never asked me to do anything like that.

11          Q. Okay.

12          A. They just were trying to understand. And  
13    I gave them answers that never necessitated or  
14    never even related to I need to get more  
15    information. They were basically, like, we're not  
16    seeing this particular publicly available  
17    document, a return; why is that? You know, and  
18    I'd be, like, oh, well, it looks, like, the social  
19    security number is mistyped in the one that is  
20    publicly available.

21                So one of the things that I went back and  
22    did was include a fudge that kind of was able to

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1 capture stuff that wasn't included in the first  
2 data run.

3 Q. And you said they didn't solicit  
4 information, but they had asked questions where  
5 they saw there were gaps, for example.

6 A. Uh-huh. Yeah.

7 Q. And they never asked you at that point,  
8 can you go fill these gaps?

9 A. Correct.

10 Q. Did you infer that that was something  
11 they'd want to do -- they'd want you to do?

12 A. No.

13 Q. So they would just ask questions, and  
14 then you would I'll help them fill in the gaps.

15 A. If I knew any way to do it.

16 Q. And sometimes you did.

17 A. Yeah.

18 Q. And then you went to see them in  
19 January of 2020.

20 A. Uh-huh.

21 Q. You provided them additional information.

22 A. Uh-huh.

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1 Q. And how did you do that?

2 A. This case I believe it wasn't with the  
3 flash drive. I had -- I had an e-mail account  
4 that -- you know, I put it into a draft, and then  
5 they were able to get it from the draft because  
6 they had the login information.

7 Q. How did you get that information off of  
8 the IRS system?

9 A. Same way.

10 Q. Same way. So you took -- you -- private  
11 website?

12 A. Yeah.

13 Q. And then you used your flash drive to  
14 upload it?

15 A. Uh-huh.

16 Q. Or download it, I guess?

17 A. Yeah, in this case I didn't need a flash  
18 drive.

19 Q. You didn't need a flash drive. Okay.  
20 But then how did you get it to the e-mail?

21 A. Just download it on my computer, upload  
22 it to the e-mail.

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1 Q. I see. And then you'd share a draft of  
2 that -- a draft in e-mail form to -- with the  
3 New York Times.

4 A. Yes.

5 Q. And so -- and you sent that to them or  
6 did they --

7 A. They just logged in.

8 Q. Logged in.

9 And they made a copy, as far as you know?

10 A. Yes. And then I deleted it.

11 Q. Okay. And then you deleted it.

12 And would -- you met with them in person  
13 in January.

14 A. Uh-huh.

15 Q. Why did you tell them your name in  
16 January of 2020?

17 A. I don't know. I don't know if -- I don't  
18 think they asked me. I don't remember. I just --  
19 I thought it would be -- you know, we'd built some  
20 trust.

21 Q. Had they promised you that they would  
22 maintain your -- the confidentiality of your

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1 identity?

2 A. Yes. I asked them not to Google me.

3 Q. Okay. Did they seem surprised when  
4 they -- when you told them your name?

5 A. I don't know why they would be.

6 Q. Did they seem to know who you were  
7 already?

8 A. No.

9 Q. Who was at that meeting in January?

10 A. It was all three of them.

11 Q. All three of them?

12 A. Yeah.

13 Q. And was it at the safehouse again?

14 A. No. We only went there once.

15 Q. Where was it this time?

16 A. This was also Kellogg Business Center.

17 Q. So the editor came to D.C.?

18 A. Yes.

19 Q. Okay. Are the other two reporters, do  
20 you know, are they based in D.C. or are they in  
21 New York?

22 A. New York.



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1 Q. So they all came to D.C.?

2 A. Uh-huh.

3 Q. All right. So then when -- do you  
4 remember when the New York Times actually  
5 published the article?

6 A. September 27th, 2020.

7 Q. During that January through  
8 September period --

9 A. Yes.

10 Q. -- did you have ongoing communications  
11 with the New York Times?

12 A. Yes.

13 Q. Did you meet with them?

14 A. Yes.

15 Q. Roughly how often?

16 A. Probably two more times --

17 Q. Two more times --

18 A. Well, no, I didn't meet with them because  
19 of the coronavirus pandemic. We didn't meet at  
20 all.

21 Might have been one more meeting and that  
22 was it.

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1 Q. Okay. And when was that meeting?

2 A. It might have been -- maybe February,  
3 maybe March. I'm not sure.

4 Q. But you communicated with them over  
5 Signal?

6 A. Yes.

7 Q. And phone?

8 A. Yes.

9 Q. And you understood they were working on  
10 an article.

11 A. A few.

12 Q. A few articles. Right.

13 Did they ask you additional -- like they  
14 had before, ask you questions about what they were  
15 reviewing?

16 A. Uh-huh.

17 Q. And --

18 A. Yes, they did.

19 Q. And did you go -- did you do additional  
20 queries on the system to fill in gaps or answer  
21 questions or fix issues that you saw arising?

22 A. I -- there were certain problems that I

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1 was trying to understand the solution to, yes.

2 But the queries, they were generalized for the  
3 most part.

4 There was stuff -- I did provide them  
5 with additional set of data, unprompted again,  
6 related to audit information.

7 Q. Okay. And when did you do that?

8 A. Over the summer sometime. Maybe it was  
9 May 2020.

10 Q. So you were providing additional  
11 information based on questions they were asking,  
12 even though they weren't soliciting the  
13 information?

14 A. No. The audit information wasn't based  
15 on anything they asked for.

16 Q. That was your own --

17 A. Yeah.

18 Q. You decided to do that?

19 A. Yes.

20 Q. Why did you decide to do that?

21 A. Well, it seemed like an important piece  
22 of the puzzle.

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1 Q. Okay.

2 A. And it did end up being one.

3 Q. And so -- and each time you were getting  
4 information from the IRS system, you were using  
5 the same methodology of uploading to your private  
6 website --

7 A. Uh-huh. Yes.

8 Q. -- using a flash drive. You might put it  
9 on an e-mail or you might have them copy it,  
10 correct?

11 A. Correct.

12 Q. And during none of that time, as far as  
13 you know, were you detected by the IRS.

14 A. As far as I know, I was not.

15 Q. No one knocked on your door.

16 A. No.

17 Q. So when the articles came out in  
18 September of 2020 -- 2020, right?

19 A. 2020.

20 Q. -- did you know they were coming at that  
21 point in time? Had you been warned by them?

22 A. Not the specific date, but I did know

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1 they were coming within a couple of weeks.

2 Q. Okay. Were you concerned that these  
3 articles were going to come out and they'd be big  
4 news, obviously?

5 A. I expected it to be big news.

6 Q. Were you concerned that the IRS would be  
7 suspicious that somebody had leaked tax return  
8 information for Donald Trump?

9 A. It was not reported that it came from the  
10 IRS, so I was not as concerned.

11 Q. Okay.

12 A. Certainly was a theory at the time, one  
13 possible source. But it was a week or maybe -- it  
14 was less than two weeks after the disclosures that  
15 the Commissioner stated that an investigation  
16 found that it did not come from the IRS.

17 And after that, you know, I didn't know  
18 what to think.

19 Q. Okay. So you referenced the Commissioner  
20 stated that it did not come from the IRS about a  
21 week after the articles?

22 A. I think so, yeah. It was in October.

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1 Q. Okay. So were you surprised by that  
2 statement?

3 A. I think, given that it was so soon that  
4 the statement came out -- I'm surprised that they  
5 were so certain that it didn't come from the IRS.  
6 I don't know what -- what prompted that. But...

7 Q. But no one in the IRS had come to you to  
8 interview you, for example --

9 A. No, no one had --

10 Q. -- or from the Department of Justice.

11 Nobody had contacted you to ask you did  
12 you leak this stuff before the Commissioner said  
13 this?

14 A. No one contacted me.

15 Q. And as far as you know, did anybody on  
16 your team -- were they contacted by anybody on the  
17 investigative team?

18 A. They were not.

19 MR. BURCK: I wanted to ask you, when did  
20 you want to do the lunch break? It's up to you.

21 MS. MANNING: I mean, we can keep --  
22 whenever you feel like you have a natural break,

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1 but I'm --

2 MR. BURCK: This is a fairly natural  
3 break. Yeah.

4 MS. MANNING: Is this good for you?

5 THE WITNESS: That's fine.

6 VIDEO TECHNICIAN: The time is 12:07 p.m.  
7 This ends unit 2. We're off the record.

8 (A recess was taken.)

9 VIDEO TECHNICIAN: The time is 12:54 p.m.  
10 This begins unit number 3. We're on the record.

11 BY MR. BURCK:

12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
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1           A. So a tax form might have a hundred or  
2 maybe even -- maybe 200 or even as few as 20 or --  
3 fields, which represent each of the entry -- data  
4 entry values, and they're just labeled.

5           Q. And when you transferred this information  
6 to the New York Times, did you have to assist them  
7 in understanding what they were looking at?

8           A. Yes.

9           Q. Okay. Because they wouldn't -- they  
10 weren't tax experts, as far as you know.

11          A. Well, they didn't know what all the  
12 labels meant.

13          Q. Right.

14          A. They were fairly well versed in tax  
15 affairs.

16          Q. Okay. But they didn't understand what  
17 the forms looked like and what they were looking  
18 at; they needed your help, to some extent.

19          A. They understood what the forms were.  
20 They just needed to match up, okay, this is the,  
21 you know, interest income; what is that called in  
22 the CSV? Okay. What's that? What does it mean?

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1 Q. Okay. And you helped them with that?

2 A. Uh-huh. I did.

3 Q. Okay. And back to the New York Times.

4 So I think we were in -- the article has been  
5 published in September. The Commissioner had said  
6 that they had conducted an investigation; it  
7 didn't come from the IRS.

8 I think you also testified that no one  
9 had talked to you or, to your knowledge, any  
10 members of your team about the leak.

11 So that brings us to October of 20 --

12 A. 20.

13 Q. -- '20.

14 And at this point it's obviously in the  
15 middle of COVID, right?

16 A. Correct.

17 Q. And so you weren't working at the office,  
18 I assume.

19 A. I was not.

20 Q. You were working remotely.

21 A. I was.

22 Q. But you're still -- your job remained --

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1 you were now a manager, and your job remained the  
2 same as it had been prior to COVID.

3 A. Yes.

4 Q. Okay. Once the articles were published  
5 in the New York Times, did you have ongoing  
6 communications with the New York Times reporters  
7 about the articles or about the information you  
8 provided?

9 A. No. We ceased communication before the  
10 articles published.

11 Q. And why did you do that?

12 A. I disposed of my electronic device that I  
13 used to communicate with them, so I didn't, you  
14 know, have any means of getting in touch with  
15 them.

16 Q. And how did you dispose of it?

17 A. I wiped it clean and then threw it out in  
18 a garbage can at a local park.

19 Q. And you did that in order to conceal the  
20 fact that you'd been having communications with  
21 them?

22 A. Yes.

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1 Q. And did The Times -- anybody at The Times  
2 advise you to cease communication with them?

3 A. No. No. I just said -- you know, this  
4 is beforehand -- makes sense to get rid of the  
5 stuff that we were using, you know, as a  
6 precaution.

7 Q. And you told them that you were going to  
8 get rid of the stuff you were using?

9 A. Yes.

10 Q. Did they ask you to do that?

11 A. No.

12 Q. But you informed them?

13 A. I informed them that I was going to cease  
14 communication. I didn't tell them how or what I  
15 was going to do to dispose of my devices.

16 Q. Okay. I think you testified that -- I  
17 just said this is -- so you said, I just said this  
18 is beforehand, it makes sense to get rid of the  
19 stuff that we were using, you know, as a  
20 precaution.

21 And you told them you were going to get  
22 rid of the stuff you were using?



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1           You said yes.

2           A. Well, I guess my memory is faulty on  
3 this -- this piece.

4           Q. You don't remember one way or the other  
5 or --

6           A. I don't recall.

7           Q. Okay. So you don't remember if you told  
8 them or not?

9           A. Correct.

10          Q. Did they make any efforts to reach you  
11 now that they know your name --

12          A. No.

13          Q. -- after?

14               And you obviously knew who they were, so  
15 you could have reached out to them some other way,  
16 even without that phone.

17          A. That's right.

18          Q. So the last time you had any contact with  
19 The Times was --

20          A. Well, we got in touch again in  
21 February of 2021 just to have a debrief. I told  
22 them, you know, why don't we get in touch again on

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1 the 2nd. And that's what we did.

2 Q. How did you get -- how did you reach out  
3 to them?

4 A. Same way I reached out to them  
5 originally. I just said I have something for Sue  
6 Craig related to Trump.

7 Q. Did you get another phone to do it?

8 A. I did, yeah.

9 Q. So you bought a new phone?

10 A. I -- yeah, I bought a new phone, and I  
11 was communicating with them. We had a discussion.

12 Q. And did you use Signal again?

13 A. I did. Yes.

14 Q. Okay. And so when you -- did you meet  
15 with them or speak to them --

16 A. Just spoke.

17 Q. You spoke on -- just on the cell phone?

18 A. They had a videoconference.

19 Q. Okay. It was, like, a Signal video?

20 A. Yeah.

21 Q. Was it all three of them or was --

22 A. Yeah. They recently added that feature.

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1 Q. Okay. And it was all three people from  
2 The Times?

3 A. Correct.

4 Q. And, I'm sorry. What was your  
5 discussion? Your discussion was you had more  
6 information about Trump?

7 A. That's just how I got in touch with them.  
8 I didn't --

9 Q. I see.

10 A. -- actually have more information. I  
11 just was going to congratulate them on their  
12 reporting.

13 Q. Okay. So that's what you did, correct?

14 A. That's right.

15 Q. What was their reaction?

16 A. You know, they were happy to speak with  
17 me. They -- I didn't have any specific memory of  
18 this, but they felt like I had, you know,  
19 predicted things that would happen and they  
20 actually happened.

21 Q. Like what?

22 A. I think just how upset Trump would be

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1 about losing.

2 Q. Losing the election.

3 A. Yeah.

4 Q. Right. Did they ask you for any  
5 additional information?

6 A. No.

7 Q. Did you offer them any additional  
8 information?

9 A. No.

10 Q. And was that the last time you spoke to  
11 them or had communication with them?

12 A. The last time was probably May of 2021,  
13 because we just kept an ongoing kind of chat.  
14 Occasionally I'd read an article I'd share with  
15 them. That sort of thing.

16 Q. And that was on the phone you bought  
17 after the other phone that you had --

18 A. That's right.

19 Q. -- disposed of. Okay.

20 Did you maintain that phone?

21 A. No, I disposed of that one as well.

22 Q. When did you get rid of that one?

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1           A. This must have been before the ProPublica  
2 report came out.

3           Q. Okay. So May '21 was the last time you  
4 recall having contact with The Times reporters?

5           A. That's right.

6           Q. And since then, they didn't try to reach  
7 out to you.

8           A. No.

9           Q. Okay. Let's turn to ProPublica.

10                   So obviously, in your plea and at the  
11 sentencing, there was a lot of discussion of your  
12 disclosure of taxpayer returns -- or taxpayer  
13 returns for a much larger group of people than one  
14 person --

15           A. Correct.

16           Q. -- right?

17                   And I think you admitted that you had  
18 disclosed tax return information for people who  
19 were ultra-net worth or ultra-wealthy Americans,  
20 correct?

21           A. Correct.

22           Q. Can you tell us when you first starting

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1 to think you wanted to do that?

2 A. This would have been July 2020.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

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10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]

13 A. I'm not sure how much I can say about  
14 what I saw. But suffice it to say the reporting  
15 on the matter suggests that there are numerous  
16 ways in which people of means can reduce their tax  
17 bill.

18 Q. Okay. But your opinion, when you saw  
19 this stuff, your view was that you saw people with  
20 very large incomes or tax returns, and you saw  
21 that their taxes they were paying was lower than  
22 you thought it should be.

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1           A. That, or low income but high net worth.  
2       Knowing -- just know who this person is. And then  
3       that explains it, explains their low taxes,  
4       because they have low income.

5           Q. And what concerned you about that?

6           A. I thought that people would be concerned.

7           Q. Why?

8           A. Because there's a conventional wisdom  
9       that, you know, the rich can get away with  
10      paying -- you know, without paying taxes, without  
11      paying their fair share, whatever that might mean.  
12      But nobody really, like, examined it in a way that  
13      was comprehensive.

14                 And that's where I thought there could be  
15      some -- it could be newsworthy, essentially.

16          Q. And where were you getting the impression  
17      that there was a public perception that the rich  
18      were getting away without paying taxes?

19          A. Through the culture.

20          Q. Through the culture. Anything specific?

21          A. You know, many people -- many prominent  
22      people have called attention to this issue.

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1 Q. Like President Biden?

2 A. He wasn't President at the time.

3 Q. Okay.

4 A. So --

5 Q. Who are the prominent people you're  
6 thinking of?

7 A. Well, I'm thinking -- you know, Bernie  
8 Sanders for one. But you, you know, go back to  
9 Leona Helmsley even in the '80s. Situations where  
10 we have a few data points here of low taxes paid  
11 by the wealthy.

12 Q. Okay. I think President Biden was  
13 President as of January 2021, right?

14 A. Not when I made my decision. Not --

15 Q. Not --

16 A. -- when I worked on this.

17 Q. Not when you were investigating it?

18 A. Yes.

19 Q. Okay. He was President, though, when you  
20 decided to disclose the information publicly,  
21 though, right?

22 A. No.

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1 Q. No? When did you decide to do that?

2 A. Before the New York Times published --

3 Q. Okay.

4 A. -- their articles.

5 Q. Okay. So tell me -- first, how did you  
6 identify the group of people that you ended up  
7 disclosing the tax information for?

8 A. It was basically a set of queries that  
9 would pick out people who had high income over the  
10 course of 15, 16 years in any particular year. So  
11 it would grab these people. That's their high --  
12 you know, these are the high-income people in a  
13 particular year. And then look at all the years  
14 that we have data for, see years where maybe they  
15 didn't have high income or whatnot.

16 And just did that for 500 people each  
17 year and just combined that all into a data set.

18 Q. What income level did you choose?

19 A. It wasn't a level; it was just a rank  
20 order.

21 Q. A rank order. So tell us what the rank  
22 order was.

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1 A. Ranked by total income, descending order  
2 by year for the years available.

3 Q. What was the floor?

4 A. There wasn't a floor; it was just top  
5 500.

6 Q. Top 500, okay. So you were able to pull  
7 from the system who were the top 500 people in a  
8 particular year by income?

9 A. Yeah. That's right.

10 Q. And how far back did -- were you able to  
11 access that information?

12 A. I think 16 years, maybe.

13 Q. 16 years? Okay.

14 And what type of income was it?

15 A. Any. Any type. This was just total, all  
16 combinations.

17 Q. Is it adjusted gross income?

18 A. No. This was before any deductions.

19 Q. Okay. So this is before any deductions.  
20 Okay.

21 So that's -- so the 500 people were based  
22 on, before any deductions, total income, all sorts

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1 of income?

2 A. That's correct.

3 Q. And basically what you're limiting was

4 500 --

5 A. Yes.

6 Q. -- top 500?

7 A. Now, there could be people that appear in  
8 multiple years --

9 Q. Right.

10 A. -- so the total -- I mean -- 7500, I  
11 think, was the guesstimate, the upper limit of  
12 what I was thinking was being included in this.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

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15 [REDACTED]  
16 [REDACTED]

17 Q. Okay. And as before -- go ahead.

18 A. Trump included business information, as  
19 was reported. That's --

20 MR. BURCK: I'm sorry, I have to listen  
21 to the question [sic].  
22



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1 BY MR. BURCK:

2 Q. I'm sorry. Can you repeat that?

3 A. The Trump information included all  
4 businesses that he had owned.

5 Q. Right.

6 A. So that inflated his --

7 MS. SMITH: We're going to object to  
8 continuing this line of questioning about what  
9 exactly he --

10 MR. BURCK: I didn't ask. He's answering  
11 a question --

12 MS. SMITH: Well, we're going to object  
13 on 6103. We don't want to get into the specifics  
14 of what you took.

15 THE WITNESS: Okay.

16 MR. BURCK: That's fine.

17 BY MR. BURCK:

18 Q. But on the 500 -- the 7500 people  
19 total --

20 A. Yeah.

21 Q. -- you were able to identify -- select  
22 their information and to upload it to a private

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1 website as you had with Trump, correct?

2 A. Yes.

3 Q. And then you used a flash drive to take  
4 the information from the private website onto a  
5 flash drive.

6 A. Correct.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. So let's talk about ProPublica.

18 So there was overlap between the point  
19 that you were talking to the New York Times and  
20 you were thinking about whether or not to disclose  
21 this information regarding those 7500 taxpayers,  
22 right?

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1 A. Correct.

2 Q. When did you upload the information about  
3 the 7500?

4 A. Must have been August or September 2020.

5 Q. Okay. So this is shortly before the  
6 New York Times publishes the article about Trump?

7 A. Correct.

8 Q. Did you tell the New York Times that you  
9 had done this with the 7500 people?

10 A. I didn't tell them.

11 Q. Why didn't you tell them?

12 A. Not germane.

13 Q. Well, you had given The Times the Trump  
14 information. You didn't think they would  
15 appropriate for this information?

16 A. I didn't.

17 Q. Why?

18 A. I didn't think it's something they would  
19 be interested in, to be honest.

20 Q. And why did you believe that?

21 A. It -- it just didn't match with what they  
22 had reported previously. I felt that ProPublica

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1 had done work that better aligned them to the  
2 story. And, as I mentioned before, I didn't want  
3 to just -- you know, my original idea was to  
4 syndicate. So for me, this was an obvious case  
5 where, you know, okay, I had done this thing with  
6 the New York Times; let's, you know, work with  
7 another organization now.

8 Q. Okay. And you -- I think you just  
9 testified that ProPublica had done work that  
10 seemed to be more --

11 A. Yeah.

12 Q. -- in tune with this issue.

13 What type of things had you read in  
14 ProPublica that led you to believe that?

15 A. I was impressed with their work on audits  
16 of individuals receiving the earned income tax  
17 credit and how they were higher in proportion to  
18 those of the very wealthy and how the resource  
19 constraints of the IRS meant that, you know, on a  
20 per-case basis, it was more efficient to audit  
21 earned income tax fraud, or just anybody, really,  
22 that takes the earned income tax credit that meets

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1 for qualification for audit over, you know, people  
2 of more means that can fight back.

3 Q. Okay. So you basically thought that  
4 ProPublica was -- would be interested in a story  
5 like this.

6 A. Yes. I thought they might be.

7 Q. Did you consider anybody else? Any other  
8 outlets --

9 A. Not seriously, no.

10 Q. How about unseriously [sic]? Did you  
11 think of anybody else?

12 A. No.

13 Q. Were you a subscriber to ProPublica?

14 A. No. They're a free website.

15 Q. They're a free website. So you just --  
16 it was a website you follow.

17 A. Yes. And I work at the IRS.

18 Q. Right.

19 A. You know, they have people that write  
20 about the IRS. It's up my alley.

21 Q. Okay. How did you -- did you reach out  
22 to ProPublica?

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1 A. That's right.

2 Q. How did you do that --

3 A. Signal.

4 Q. -- firstly? Signal.

5 And tell us -- just walk us through, how  
6 did that work?

7 A. I just -- I look at the page on the  
8 website with -- for Jesse Eisinger, has his  
9 Signal, text him on Signal and, you know, ask if  
10 we could set up a time to talk, basically.

11 Q. And you identified Mr. Eisinger because  
12 he had written about the issues you just talked  
13 about with tax --

14 A. Yeah, him and Paul Kiel.

15 Q. Okay. So you just went to the website,  
16 clicked on the Signal, and then you contacted  
17 them?

18 A. Yes.

19 Q. What did you say to him? Not exact  
20 words, just --

21 A. I told him, you know, what I had in my  
22 possession. He was shocked and said, if what you

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1 say is true, this could be a monumental story.

2 More or less, if what you say is false, then we  
3 won't be talking again. That sort of thing.

4 Q. Did you send this by, like, a written  
5 communication or was it by phone?

6 A. We had a phone call over Signal.

7 Q. Okay. So you -- you originally reached  
8 out to him in written communication; then you have  
9 a phone call.

10 A. Yes.

11 Q. And the conversation you just testified  
12 about, that was a phone call?

13 A. Yes.

14 Q. All right. And this was roughly in,  
15 what, September?

16 A. Must have been -- yeah, must have been  
17 September, early September.

18 Q. So this is before the New York Times  
19 article had come out?

20 A. Yes, it was.

21 Q. And did Mr. Eisinberg [sic], he expressed  
22 interest --

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1 A. Eisinger.

2 Q. Eisinger. Excuse me.

3 Eisinger. Did he express interest in  
4 meeting?

5 A. No.

6 Q. All right. So what did he tell you?

7 A. Oh, I told him I can send it to him if  
8 he's interested.

9 Q. So you were just going to send it to him?

10 A. Yeah.

11 Q. Now, at The Times, you had taken, I  
12 think, months and months before you decided --

13 A. Yeah.

14 Q. -- to give them the information.

15 A. That's right.

16 Q. I think you'd met with them at least once  
17 or twice before you gave it to them.

18 But with Mr. Eisinger, you decided that  
19 you would just send it to him if he asked for it.

20 A. I was going to send it  
21 password-protected, so without the password, he  
22 wouldn't have any means of accessing it.



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1           My timeline was such that I had this idea  
2     to do this pretty late into The Times reporting,  
3     and I had reason to believe that, you know, my  
4     access to this data, this information, might be  
5     curtailed or I'd be apprehended after The Times  
6     stories came out. So I -- that's why it was  
7     scheduled the way it was.

8           Q. So you were concerned that when the  
9     New York Times article came out later that month,  
10    there may be a crackdown by the IRS or an  
11    investigation to figure out who's doing this, if  
12    it's somebody in the IRS.

13          A. Yes.

14          Q. So time was of the essence, effectively?

15          A. Yes.

16          Q. And how long between when you contacted  
17    Mr. Eisinger and when you sent it to him?

18          A. It might have been a week or less.

19          Q. Okay. Or less.

20          A. We had a conversation of some length.

21          Q. And how did you send it to him?

22          A. I put it in a padded envelope on a flash

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1 drive addressed to his home.

2 Q. So you just mailed it to his home?

3 A. That's right.

4 Q. And he gave you his home address?

5 A. Yes, under the condition that I not show  
6 up and murder him.

7 Q. Okay. So -- did you ever tell  
8 Mr. Eisinger who you were?

9 A. No, I didn't.

10 Q. Did you -- you mentioned that you were  
11 comfortable -- you testified about The Times  
12 earlier -- you were comfortable with The Times  
13 because you thought the data security issues  
14 and -- you thought they would maintain this.

15 Did you do anything like that with  
16 ProPublica?

17 A. I asked about it.

18 Q. And what did you ask him?

19 A. And he provided assurances, you know,  
20 that they would buy these laptops that were -- you  
21 know, get air-gapped from all other  
22 communications; that's what they'd be on, and that

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1 they would do this big investment and everything.  
2 You know, and I received -- you know, he talked to  
3 people at ProPublica. They got back to me on  
4 several questions, of which I can't quite recall.  
5 And then that's when I sent it to him password  
6 protected with, you know, a delay. He wouldn't  
7 get the password until early 2021. So he was,  
8 like, why is this delayed? And I -- I just wanted  
9 time to, you know, consider what I was about to  
10 do, I guess.

11 Q. Okay. So you sent him the file on a  
12 flash drive sent to his home.

13 It sounds like Mr. Eisinger didn't  
14 actually want to meet with him because he was  
15 worried that you'd kill him -- or he'd kill you --  
16 you'd kill him, excuse me.

17 A. Well, I mean --

18 Q. I know he was being facetious.

19 A. -- because he gave me his home address --

20 Q. I know he was being facetious.

21 A. -- I think was -- yes. But, you know, it  
22 was still COVID, so I wasn't even -- I wasn't

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1 going to travel up to New York, you know.

2 Q. Okay.

3 A. And he wasn't going to -- yeah.

4 Q. Did he ask -- did he say, I'd like to  
5 meet you, at that point?

6 A. He didn't.

7 Q. Did anybody from ProPublica contact you  
8 and say, we'd like to meet you?

9 A. No.

10 Q. Did they try to reach out to you through  
11 any other way to figure out who you were?

12 A. No.

13 Q. So you just had a Signal conversation,  
14 maybe some Signal communications, and then, within  
15 a week, you sent him 7500 people's -- or  
16 taxpayers' information.

17 A. Correct.

18 Q. And you put a password on it.

19 A. Correct.

20 Q. And so -- but did you tell him beforehand  
21 you were going to put a password on it?

22 A. Yes.

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1 Q. But you mentioned before, he said, what  
2 is this password? Why is this -- what's going on  
3 with it?

4 When did he figure out that it was a  
5 months-long password?

6 A. Oh, immediately. I told him before I  
7 sent it to him.

8 Q. Okay.

9 A. I also didn't want -- I mean, we had the  
10 presidential election and everything like that.  
11 Like, I wanted to give it space, you know, in  
12 terms of the story; it's not relevant to the  
13 presidential election. So...

14 Q. So fair to say you wanted to send this  
15 out immediately, as fast as you could, before the  
16 New York Times article came out because you were  
17 worried that you might be detected at that point?

18 A. Correct.

19 Q. But you wanted to have a little space so  
20 that -- from when the publication actually  
21 occurred into 2021?

22 A. Yes.

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1 Q. And what -- when was the date the  
2 password would become effective?

3 A. The 2nd of February --

4 Q. How --

5 A. -- 2021.

6 Q. And between the time that you sent  
7 Mr. Eisinger the files -- or the flash drive, I  
8 should say, and when the password became  
9 effective, did you communicate with Mr. Eisinger?

10 A. Yes. In fact, I decided that, instead of  
11 making him wait until February, I would tell him  
12 in November. So I did reach out to him and we --  
13 I gave him the password orally. And then that was  
14 that.

15 Q. So then why did you change your mind?

16 A. I guess I had felt comfortable enough to  
17 move forward with it and with him.

18 Q. Did you have conversations with him  
19 between September and November that made you  
20 comfortable? Or communications?

21 A. I -- it was -- before I communicated with  
22 him or told him the password, I'm sure I reached

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1 out and we talked a little bit more, but I don't  
2 recall the specifics.

3 Q. Did he ask you to give him the password  
4 early?

5 A. I don't recall.

6 Q. When you first contacted him and you told  
7 him what you had, did he ask you to send it to  
8 him?

9 A. I contacted him because I was -- I wanted  
10 to send it to him.

11 Q. Understood. But did he ask you to send  
12 it to him?

13 A. Not that I recall.

14 Q. Okay. So you offered it to him and he  
15 said, I'll take it.

16 A. Exactly.

17 Q. And in that period of time before you  
18 gave him the password, you had at least one  
19 additional conversation with him or communication  
20 with him.

21 A. Correct.

22 Q. And did he ask you to -- can I get this

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1 password earlier?

2 A. I don't recall.

3 Q. All right. So you don't remember one way  
4 or the other?

5 A. Right.

6 Q. So you had mentioned before that you'd  
7 want a little space initially because of the  
8 election.

9 A. Yeah.

10 Q. November was the election, right?

11 A. Yes.

12 Q. What changed for you that the election  
13 was no longer a barrier to giving him the  
14 password?

15 A. The election was over.

16 Q. Okay. So the -- so it happened the  
17 latter half of November?

18 A. Yes.

19 Q. And so you thought, with the election  
20 over now, you can give him the password?

21 A. Yeah. And this is more media strategy  
22 than anything else.



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1 Q. Right. And what was the media strategy?

2 A. There's a lot of, you know, competing  
3 stories ahead of a presidential election, and it  
4 would be a waste to drop something and have it get  
5 outcompeted and it not getting any news or press.

6 Q. Understood. But I think, even after the  
7 election and Biden won the election, there was a  
8 lot of controversy --

9 A. Yeah.

10 Q. -- about who won the election, right?

11 A. Yeah.

12 Q. So that didn't concern you, that the  
13 story of the day was --

14 A. That -- I mean, that came a little bit  
15 later. I mean, we're talking -- when I say after  
16 the election, it was about a week after it was  
17 called that I gave him the password.

18 And of course, to report a story of this  
19 mag -- this size, it's going to take some time  
20 anyways. So...

21 Q. When you spoke to Eisinger, did he ask  
22 you how you had gotten this material?

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1 A. I told him that I worked at the IRS.

2 Q. Did he ask for any proof that you worked  
3 at the IRS?

4 A. No. I didn't show him my badge or  
5 anything of that nature.

6 Q. So he took it on your word that you  
7 worked there?

8 A. That's right. But I had, you know,  
9 provided him with -- well, I guess there's no way  
10 for him to know, really. I provided him with this  
11 data, obviously, but also documents which helped  
12 him understand the different fields which, you  
13 know, it would be hard to fabricate, I suppose.  
14 But you -- you know, he's got to go with what he  
15 can prove and what he feels like he can  
16 corroborate.

17 And my understanding was, and with the  
18 New York Times case, there's some publicly  
19 available information that can be used to  
20 corroborate some of this.

21 Q. Okay.

22 A. Court cases and such.

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1 Q. Okay. So you sent him additional data  
2 other than the initial flash drive?

3 A. No.

4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

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1 Q. And you included that on the flash drive?

2 A. Yes.

3 Q. So -- after you gave him the password in  
4 November of 2020, did you have further  
5 communications with him?

6 A. Yes, I did.

7 Q. And how did you do that? By -- in  
8 writing?

9 A. Signal.

10 Q. Signal?

11 A. Yeah.

12 Q. Phone and writing?

13 A. Yes. Correct.

14 Q. What did you guys discuss?

15 A. We didn't have as many discussions as  
16 with The Times. It was similar nature: Is this  
17 thing in here? You know, what does this mean?  
18 You know, why is there some weird character in  
19 this line of the file? That sort of thing.

20 Q. Did you do something similar to what you  
21 did with The Times, which was -- do you go back to  
22 the database and --

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1 A. I didn't.

2 Q. -- see if there was additional  
3 information?

4 A. I didn't.

5 Q. Why didn't you?

6 A. I had, you know, taken such a risk doing  
7 this, I just said, you know, to hell with it, let  
8 him deal with what I gave him.

9 Q. So when he had questions that -- about  
10 the data you'd sent him --

11 A. I could answer questions, you know, but  
12 not, like, can you go back and get something else?  
13 Which -- he didn't ask but, you know, it was not  
14 something I was going to do even if he had asked.

15 Q. Other than the questions you mentioned  
16 before, were there any other types of questions  
17 that stand out in your mind that he asked you?

18 A. He was curious about, you know, what  
19 stories I thought could be in there. And I helped  
20 kind of give him my thoughts, I guess.

21 Q. And what did you think the stories were?

22 A. I had -- I thought that it would be

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1 useful to just, you know, take the Forbes list  
2 and, you know, see how much these individuals paid  
3 in taxes, which is what they ended up doing.

4 You know, the timing of stock trades  
5 might be interesting, I thought.

6 There were others that I don't recall.

7 Q. Was it your idea to have ProPublica check  
8 Forbes and then look at how much they were paying  
9 in taxes?

10 A. Yes. But it's not a hard idea to come  
11 to.

12 Q. But it was your idea?

13 A. I suggested it, yeah.

14 Q. And that's what they did, ultimately?

15 A. They did some variation on that, yes.

16 Q. Did you receive assurances from  
17 Mr. Eisinger that the data would be maintained  
18 securely?

19 A. Yes.

20 Q. And what did he say they would do?

21 A. They were creating, again, special  
22 access -- you know, special provisioning of

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1 machines, and they would keep a tight circle  
2 around who would have that kind of access.

3 Q. Okay. Did you do anything to verify  
4 that?

5 A. I -- what might you suggest?

6 Q. No, I'm asking you. Is there any --

7 A. I took his word --

8 Q. Okay. You took his word.

9 A. -- you know, as a journalist.

10 Q. I mean, at The Times, you met with the  
11 editor.

12 A. Yeah.

13 Q. Here, you didn't meet with an editor,  
14 right?

15 A. I didn't meet with an editor in this  
16 case, no.

17 Q. Did you ever meet Mr. Eisinger?

18 A. I've never met him.

19 Q. Did you ever meet anybody at ProPublica?

20 A. Paul Kiel appeared at the sentencing  
21 hearing.

22 Q. Okay. Other than the -- let's say before

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1 the discovery or the -- that you had been  
2 responsible for this.

3 A. I didn't, no.

4 Q. Okay. So in the -- after he got the  
5 password, how frequently would you say you had  
6 contact with him to answer questions or to talk to  
7 him?

8 A. Less -- maybe -- less than half a dozen  
9 times. Really just -- it was probably, like,  
10 three or four times in terms of having a meeting  
11 or something. Because he had a data person that  
12 we talked to once. And I don't recall his name.

13 Q. Data person from ProPublica?

14 A. Yes. They had -- they had somebody  
15 that -- so one of the things that they maintained  
16 that also gave me assurances of their capabilities  
17 is they have this tax return database for  
18 non-profits that they, you know, upload with  
19 publicly available information.

20 And so I believe one of the people that  
21 has -- was responsible for doing that was involved  
22 in this reporting.



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1 Q. Okay. And the files that you had put on  
2 the flash drive, they were a similar format as the  
3 files that were for Trump?

4 A. Correct.

5 Q. All right. And then when did the -- when  
6 did ProPublica start publishing articles about the  
7 information that you had provided?

8 A. June?

9 Q. Of 2021?

10 A. '21 --

11 Q. Okay.

12 A. -- I believe. June 6th.

13 Q. Okay. So between the point that you  
14 provided him the password, which was in  
15 November of 2020, and June 6th, 2021, when he  
16 started -- when they started publishing articles,  
17 you had a handful of communications with him?

18 A. Correct.

19 Q. So it wasn't very frequent.

20 A. No.

21 Q. And during that period of time, did he  
22 ever solicit any information from you?

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1 A. Can you elaborate?

2 Q. Did he ever ask you for information?

3 A. Of what sort?

4 Q. Any sort. About the information you  
5 provided him.

6 A. Would questions about the nature of the  
7 information qualify under that?

8 Q. Sure.

9 A. Then yes. I don't know the specifics or  
10 recall the specifics.

11 Q. Okay. But he asked you to explain some  
12 of the data that he didn't understand?

13 A. So I had prepared a lot more  
14 documentation for this ahead of time, which is --  
15 like the files I was describing because -- and I  
16 had this, you know, automated password thing that  
17 was going to send him the password, because I  
18 didn't know if I was going to be, you know,  
19 detained.

20 And so my expectation was there was some  
21 chance I was going to be detained after the Trump  
22 stories ran, so he would have to do everything --

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1 you know, they would have to do everything on  
2 their own, meaning that there were fewer  
3 questions. You know, I had already -- everything  
4 that had been asked in a general sense about the  
5 data from, you know, the New York Times I had  
6 prepared in a file in a general sense to describe  
7 the data in question.

8 So they were already prepped, so there  
9 were fewer questions that needed to occur.

10 Q. Okay. So you were concerned about being  
11 detained, but you -- but you'd also had the  
12 experience with the New York Times; you kind of  
13 anticipated what the questions would be and how to  
14 present this to the reporter in a way that would  
15 make it easier for him to understand?

16 A. Correct.

17 Q. So the first articles come out in June of  
18 2021.

19 Did you have any communications with  
20 Mr. Eisinger or anybody at ProPublica once the  
21 articles came out?

22 A. No.

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1 Q. So you never spoke to them again after  
2 the articles came out?

3 A. Not --

4 Q. Other than the sentencing. I don't know  
5 if --

6 A. Other than -- no.

7 Q. Okay. What did you do with -- you had  
8 another phone to communicate with Mr. Eisinger.

9 What did you do with that phone?

10 A. It was disposed of. I disposed of it.

11 Q. How did you dispose of it?

12 A. I wiped it, threw it in a trashcan that  
13 was at a gas station along the highway back to  
14 St. Louis.

15 Q. Okay. And did you do that because you  
16 were concerned about being --

17 A. Yes.

18 Q. -- apprehended.

19 A. Correct.

20 Q. Did you tell Mr. Eisinger that you were  
21 going to do that?

22 A. No.

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1 Q. To your --

2 A. I just -- you know, I said, this is it,  
3 goodbye, good luck, that sort of thing.

4 Q. That was sometime between November 2020  
5 and June 6th?

6 A. Correct.

7 Q. And he didn't ask you to --

8 A. No.

9 Q. -- dispose of it?

10 When the articles came out in June -- or  
11 when the first article came out in June of 2021,  
12 do you recall if the IRS made any kind of  
13 statement about those articles?

14 A. Yes. They certainly were more alert this  
15 time around.

16 Q. And what do you mean by that?

17 A. Well, articles were called the Secret IRS  
18 Files, so it was pretty obvious that it came from  
19 them.

20 Q. So ProPublica actually identified them as  
21 having come from the IRS?

22 A. Yes. They made intonations that that

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1 might not have to happen, but I had a feeling it  
2 was going to be what they decided to do in the  
3 first place -- in the end.

4 Q. Had you asked them not to identify it as  
5 IRS source?

6 A. I didn't ask explicitly because I knew  
7 that wasn't something they could reasonably  
8 fulfill, you know, because they're going to do  
9 what the story requires.

10 Q. Well, I think the New York Times, they  
11 didn't identify it, right, as IRS source?

12 A. Yeah, they didn't need to.

13 Q. And that's -- why didn't they need to?

14 A. The range of sources is much smaller on a  
15 leak of that magnitude.

16 Q. Right.

17 A. You know...

18 Q. How you -- the idea is, basically, how  
19 are you going to find 500 -- or 7500 people's tax  
20 returns --

21 A. If not --

22 Q. Right. Okay. So you anticipated that

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1 the IRS would be the most likely source; that's  
2 the way the public would perceive it?

3 A. Correct.

4 Q. And it was clear to you that ProPublica  
5 was going to -- or not clear to you, but you  
6 suspected they would have to identify that as a  
7 source?

8 A. Correct.

9 Q. So what do you recall the IRS said when  
10 the articles started coming out in ProPublica?

11 A. I don't have a specific recollection. I  
12 do remember down the line they would issue a  
13 statement like, we're investigating, we don't know  
14 for sure if it came from us. And everybody mocked  
15 them for that.

16 Q. Were people -- let me ask you about  
17 people inside your team.

18 What was the reaction inside the team  
19 when these articles started coming out?

20 A. I didn't speak to the team about this.

21 Q. No one mentioned that this article about  
22 the IRS being the source of all this information

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1 was shocking?

2 A. By this point, I was no longer at  
3 Booz Allen. So, you know, if we did have  
4 communication with the team, it was on unrelated  
5 matters.

6 Q. When did you -- can you remind me, when  
7 you leave the IRS?

8 A. March 2021.

9 Q. Okay. So this is after you had left. So  
10 you didn't talk to anybody about this at the IRS?

11 A. Correct.

12 VIDEO TECHNICIAN: Counsel, you're  
13 covering the microphone.

14 MR. BURCK: Oh, I'm sorry. Is that  
15 better?

16 BY MR. BURCK:

17 Q. And why did you leave in March of 2021?

18 A. I wanted to work on a new project. It  
19 was a board game. So -- and the task that I was  
20 on was transitioning a bit. Instead of working on  
21 secure access, it would be merely supporting a  
22 third-party vendor who was going to be taking



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1 over.

2 And I admit to a certain amount of  
3 disinterest in just starting on a whole new, you  
4 know, requirement for that. I had spent all this  
5 time trying to help improve the system, and now  
6 the system was going to be sunset. And it seemed  
7 like a good time to try other projects.

8 Q. So when you left the IRS in March of  
9 2021, you had to give back your laptop.

10 A. Yes.

11 Q. Were you concerned that they might check  
12 your laptop or be able to see any evidence of you  
13 download- -- or uploading information?

14 A. I knew they would check it, I mean, if  
15 they needed to. You know, so it wasn't something  
16 I could really do anything about.

17 Q. So you thought there was a possibility?

18 A. Correct.

19 Q. And then when you left the IRS in March,  
20 did you hear from them in April or May or June or  
21 July about your laptop -- they were concerned  
22 about anything on your laptop?

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1 A. No.

2 Q. When did you first hear from  
3 investigators?

4 A. November 1st, 2021.

5 Q. And who was that?

6 A. Two investigators from TIGTA showed up at  
7 my doors and they wanted to know about my queries.

8 Q. And what did they ask you?

9 A. We'd like to, you know, speak with you  
10 about the queries you ran. They started talking  
11 about some of them.

12 And that -- that was what they said in  
13 their approach.

14 Q. So they showed up unannounced in  
15 November?

16 A. That's right.

17 Q. And they came to your home address?

18 A. Yes.

19 Q. And at this point, you'd been out of IRS  
20 for five months, six months?

21 A. Yeah. That's about right. No --

22 Q. Seven --

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1 A. Seven months.

2 Q. Seven months.

3 A. Yeah.

4 Q. Were you surprised that they were there?

5 A. You know, it was not what I was hoping  
6 for, I guess. I didn't -- I didn't expect them to  
7 come that day, you know, of any day, so that's a  
8 surprise.

9 But I knew what I had done was not going  
10 to just be ignored, if that's what you're asking.

11 Q. When you said that they -- you testified  
12 that they had asked you about the queries you ran.

13 A. Yes.

14 Q. What did they say about the queries?

15 A. Well, they said stuff -- they described  
16 pieces of the queries. Select stars is I remember  
17 one thing they said, which just means select all  
18 the fields. And that was about it.

19 Q. And what did you say to them?

20 A. I said I'm -- you know -- I said, you're  
21 police, right? They said, yes, essentially. And  
22 I said, well, I'm not going to talk to police

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1 without an attorney present.

2 And that's how things got started with  
3 the investigation, from my perspective.

4 Q. How long were they there, the two agents?

5 A. Ten minutes, if that.

6 Q. And they did the talking, and you said, I  
7 wasn't going to talk to you unless I have a  
8 lawyer?

9 A. Yes.

10 Q. And then they left?

11 A. Yes. They gave me their card. You know,  
12 I told them I was going on a trip; do I need to  
13 cancel the trip? They said, no, that's fine.

14 Went on the trip, secured counsel, got  
15 back in touch with them.

16 Q. And was that Ms. Manning?

17 A. Yes.

18 Q. So you secured -- you hired Ms. Manning  
19 in November or December of 2021?

20 A. November.

21 Q. November. So shortly after.

22 A. Yeah.

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1 Q. And you went on your trip.

2 A. Uh-huh.

3 Q. And I'm not going to ask you about any of  
4 your conversations with Ms. Manning.

5 When was the next time you heard from  
6 investigators?

7 A. Through Ms. Manning?

8 Q. Through Ms. Manning or directly.

9 A. I mean, Ms. Manning spoke with  
10 investigators, you know, so I heard from what they  
11 told her.

12 Q. Did you inform the TIGTA agents that you  
13 had, in fact, collected this material, downloaded  
14 the material, uploaded the material and disclosed  
15 it at that time?

16 A. No.

17 Q. What did --

18 A. I didn't say anything to them.

19 Q. Your counsel was in communication with  
20 the investigators at that time, though, right?

21 A. Correct.

22 Q. And from your perspective, having,

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1 again -- I don't want to know anything about your  
2 communications with her.

3 How long did this -- communications  
4 between your counsel and the investigators last?  
5 You said it started November or December 2021.  
6 How long did it go on?

7 A. Well, it essentially lasted in different  
8 forms until October of last year.

9 Q. So during the course of -- you pled  
10 guilty, I believe, in October of 2023, correct?

11 A. Uh-huh.

12 Q. So your counsel first had contact with  
13 TIGTA and you had contact with TIGTA in  
14 November of 2021, right?

15 A. Correct.

16 Q. So in 2022, was it your understanding  
17 that, during that year, your counsel was in  
18 contact with the investigators?

19 A. Yeah, I know when she was in contact with  
20 them. Yes.

21 Q. Was that frequent or infrequent?

22 A. Starts and stops.

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1 Q. Starts and stops.

2 And did you ever receive a subpoena?

3 A. Yes.

4 Q. When did you receive the subpoena?

5 A. December or January.

6 Q. Of 2021?

7 A. Yeah.

8 Q. What did they ask you for? Just in

9 general. I don't need the --

10 A. Grand jury --

11 MS. MANNING: May we take a brief break?

12 MR. BURCK: Sure. Sure.

13 VIDEO TECHNICIAN: The time is 1:53 p.m.

14 We're off the record.

15 (A recess was taken.)

16 VIDEO TECHNICIAN: The time is 2:03 p.m.

17 This begins unit number 4. We're on the record.

18 BY MR. BURCK:

19 Q. Mr. Littlejohn, before we broke, I was  
20 asking about the timing of receiving a subpoena,  
21 and you had said December or January of 2021.

22 Do you recall that?

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1 A. Correct.

2 Q. Was this a subpoena from TIGTA? Or do  
3 you know?

4 A. It was a subpoena from the Justice  
5 Department.

6 Q. From the Justice Department? Okay.

7 A. Yeah.

8 Q. So was it a grand jury subpoena?

9 A. Yeah.

10 Q. And was it the same office that  
11 ultimately ended up prosecuting you?

12 A. Different location, but the same people  
13 were involved.

14 Q. Oh, okay. Which location was it? Do you  
15 remember?

16 A. Utah.

17 Q. Utah. But the same people who were  
18 ultimately involved in the plea and the  
19 sentencing?

20 A. Correct.

21 Q. Okay. And this grand jury subpoena, just  
22 generally, what did it request?



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1 A. Appearance to answer questions.

2 Q. So -- and this was in the December,  
3 January --

4 A. That was -- yeah, that first appearance  
5 was to be January 17th or something --

6 Q. Of 2022?

7 A. 2022.

8 Q. Right. Okay.

9 A. And then it was canceled because somebody  
10 on the grand jury had COVID. And then we -- it  
11 was rescheduled for early March, like March 2nd, I  
12 think, of 2022.

13 Q. Was it a grand jury in Utah or was it  
14 here?

15 A. Utah.

16 Q. In Utah. So you had to -- you were  
17 supposed to go out to Utah to appear?

18 A. Yes.

19 Q. And it was for testimony and documents or  
20 just testimony?

21 A. Testimony.

22 Q. Just testimony. Okay.

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1           And you said that the first time -- the  
2 first appearance was supposed to have been on  
3 January 17th?

4           A. That's my recollection.

5           Q. And then it was -- it was postponed  
6 because of an illness; is that --

7           A. Somebody on the grand jury was sick.

8           Q. Was sick. Right. And then it was  
9 rescheduled for March.

10          A. Yes.

11          Q. March of 2022.

12          A. Yes.

13          Q. Did you go to Utah for this appearance?

14          A. Both times, yes.

15          Q. All right. So you went the first time  
16 and then they canceled?

17          A. The morning of.

18          Q. I apologize for that.

19                 And then in March you go and the grand  
20 jury is going to convene?

21          A. That's correct.

22          Q. And you went into the grand jury room --

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1 your lawyer was with you up until you go into the  
2 grand jury, correct?

3 A. Yes.

4 Q. And then you go in by yourself --

5 A. Yes.

6 Q. -- or with the prosecutors, correct?

7 A. Yes.

8 Q. And your lawyer is not allowed in the  
9 room, correct?

10 A. The lawyer is not allowed in the room.

11 Q. And there are 23 citizens from Utah in  
12 the room?

13 A. Correct.

14 Q. And then the prosecutors are in the room.

15 A. Yes.

16 Q. And did they start asking you questions  
17 about the unauthorized disclosure of Mr. Trump's,  
18 as well as the 7500 people's, taxpayers', returns?

19 A. I don't recall all the specific  
20 questions. They definitely were asking about  
21 ProPublica.

22 Q. ProPublica.

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1 A. And I just answered by pleading the 5th.

2 Q. You took the 5th?

3 A. I took the 5th.

4 Q. And you understand that to mean what?

5 A. I have a right to not incriminate myself  
6 before a court.

7 Q. And this was in March of 2022.

8 A. That's right.

9 Q. And the questions that you took the 5th  
10 to -- you answered your name.

11 A. I answered my name, answered I worked at  
12 Booz Allen, that sort of thing.

13 Q. And you answered basic biographical  
14 information, job description?

15 A. That's right.

16 Q. But any question that they asked that  
17 would tend to incriminate you about the disclosure  
18 of the information to ProPublica, you took the  
19 5th?

20 A. That's right.

21 Q. And was it a series of answers where you  
22 took the 5th --

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1 A. Yes. Each --

2 Q. -- or was it one time?

3 A. -- question that -- I answered what I  
4 felt like I could and then I responded with the  
5 5th on the others.

6 Q. Did they show you any documents in that  
7 grand jury appearance?

8 A. No.

9 Q. And roughly how long were you there?

10 A. 20 minutes.

11 Q. 20 minutes. Did they ask you about the  
12 New York Times?

13 A. I don't recall.

14 Q. Okay. But definitely ProPublica.

15 A. Yeah.

16 Q. All right. So it was over in 20 minutes.  
17 You left with your lawyer.

18 A. That's right.

19 Q. And then after that, that grand jury  
20 appearance, did they subpoena you again?

21 A. Well, they tried to say that I didn't  
22 have a right to take the 5th on these issues, and

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1 then the judge in Utah said, no, actually, that's  
2 the right that he has and maintains and used  
3 correctly. And then that was all I heard for a  
4 while.

5 Q. So when you said that they tried to say  
6 you didn't have the right to take the 5th --

7 A. That's right.

8 Q. -- there was litigation about this?

9 A. Yes.

10 Q. And the litigation was in Utah?

11 A. Yes.

12 Q. And the government's position was you  
13 didn't have the right to take the 5th because of  
14 what?

15 A. I don't know. I thought it was open and  
16 shut.

17 Q. Okay.

18 A. And the judge agreed.

19 Q. And do you remember what their argument  
20 was? I know you're not a lawyer, but you're  
21 obviously very smart.

22 A. Just say -- just compelled; you know, we

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1 should compel him because -- I don't know.

2 Q. Were they trying to immunize you?

3 A. No.

4 Q. Okay. I confess, I don't know what their  
5 argument would be either.

6 A. You should see some of the stuff.

7 Q. So there's litigation. The judge hears  
8 your side through Ms. Manning. They hear the  
9 government through the government's lawyers.  
10 Judge decides you're right --

11 A. Yeah.

12 Q. -- you can take the 5th.

13 A. Yeah.

14 Q. And this happens, like, March, April, May  
15 time frame?

16 A. March.

17 Q. March. Oh, it was all --

18 A. I think all in March.

19 Q. Same time?

20 THE WITNESS: Sorry.

21 MR. BURCK: Sorry, we apologize.

22

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1 BY MR. BURCK:

2 Q. So it all happens in March?

3 A. It does.

4 Q. Did they -- did the government try to  
5 litigate the issue while you were still in Utah?

6 A. No.

7 Q. Okay. So it was sometime after, but it  
8 was shortly after?

9 A. I had a flight to catch.

10 Q. Okay. And do you know if those arguments  
11 were under seal?

12 A. I don't know.

13 Q. Do you know if it was called In Re: Grand  
14 Jury?

15 A. I've never heard the term.

16 Q. Okay. All right. So then you said that  
17 you didn't hear from the government for a while  
18 after that.

19 A. That's right.

20 Q. How long before you heard from them  
21 again, to your knowledge?

22 A. I don't think we heard from them until



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1 they came to my house again, prepared.

2 Q. They came to your house again?

3 A. Yes.

4 Q. When did they come to your house again?

5 A. January 7th -- no, sorry. July 7th,  
6 2023.

7 Q. So about a year and a few months -- four  
8 months -- later, they came back.

9 So you didn't hear from them for a year  
10 and four months?

11 A. That's right.

12 Q. And that was after they litigated and  
13 lost --

14 A. Yep.

15 Q. And they came to your door to ask you  
16 questions?

17 A. No, they didn't need to ask me any  
18 questions.

19 Q. Why didn't they need to ask you  
20 questions?

21 A. They had a warrant.

22 Q. Okay. So they had a search warrant?

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1 A. That's right.

2 Q. And how many agents showed up?

3 A. 20, 30.

4 Q. And they were, what, IRS agents? FBI?

5 A. They were mostly TIGTA agents. Yes.

6 Q. Mostly TIGTA? Okay.

7 And it was at your home here in the DMV?

8 A. Yes. At my domicile.

9 Q. At your domicile. Okay.

10 Were you living with anyone at the time?

11 A. Yes.

12 Q. With your girlfriend?

13 A. Yes.

14 Q. All right.

15 A. But she had been called in to work that  
16 day.

17 Q. Okay. And she also -- she worked at the  
18 IRS or --

19 A. As a contractor. Yes.

20 Q. As a contractor. Okay.

21 So I assume -- without telling me what  
22 you said, you contacted your attorney when they

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1 showed up with a search warrant?

2 A. Yes.

3 Q. All right. And they proceeded to search  
4 your home?

5 A. Yes.

6 Q. What did they take, as far as you know?

7 A. They took devices, all electronic  
8 devices, basically, phones, iPods [sic],  
9 PlayStations, computers.

10 Q. Did they -- they showed you what was  
11 listed as the items they were allowed to take?

12 A. There was a -- they didn't have a list of  
13 specific items; they just said that we can take  
14 these items, and then they gave me a list of what  
15 they took.

16 Q. Okay.

17 A. Because they didn't know everything that  
18 they were going to get. They took, you know, my  
19 girlfriend's stuff, too.

20 Q. Okay. And did you speak to any of the  
21 agents other than just, you know -- I'm talking  
22 about substantively speak to them --

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1 A. No.

2 Q. -- about the case.

3 Okay. They didn't ask you any questions?

4 A. Huh-uh.

5 Q. Okay.

6 A. Well, I was, like, am I being arrested?

7 They said no.

8 Q. Right. Did Ms. Manning come to your

9 home?

10 A. No, we just -- I met up with her.

11 Q. Okay. How long were they there?

12 A. Three hours, at least. Four, maybe.

13 Q. And they take all -- they take the  
14 devices, the stuff that they said they had a right  
15 to take --

16 A. Yep.

17 Q. -- and then they exit?

18 A. Uh-huh.

19 Q. At that point, were you concerned that  
20 the devices that were taken by them would have  
21 information on them that would link you to the  
22 disclosures of the tax return information?

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1           A. I didn't know what to think. I didn't  
2 think at the time that, you know, anything had  
3 been on the devices that were in my possession.  
4 So yeah, that was my -- but I still, you know, was  
5 concerned by what had happened, because you can  
6 never be too sure.

7           Q. Right. When was the next time that you  
8 are aware the government reached out to you or  
9 your lawyer, without telling me anything your  
10 lawyer said?

11          A. I mean, immediately after.

12          Q. Immediately after?

13                 And what was your under- -- unless your  
14 lawyer told you, what -- did you have an  
15 understanding, independent of your lawyer, of what  
16 they wanted to talk to you about?

17          A. I don't -- the timeline is becoming a  
18 little jumbled for me. I'm not sure what, you  
19 know, happened immediately after with respect to  
20 what they wanted to ask me about. I don't think  
21 they wanted to ask me anything.

22          Q. Okay. Did you go back to the grand jury?

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1 A. No.

2 Q. Did you get any kind of additional  
3 subpoena?

4 A. No.

5 Q. At some point, did you meet with the  
6 government?

7 A. Yes.

8 Q. And you met with them twice, I think,  
9 right?

10 A. Yes.

11 Q. The first time, just so we don't have to  
12 do a memory test -- well, I don't know if this is  
13 the actual date, but September 13, 2023; is  
14 that --

15 A. That sounds about right.

16 Q. And you were meeting with prosecutors and  
17 TIGTA --

18 A. Correct.

19 Q. -- agents?

20 A. Yes.

21 Q. And how many were present? Just roughly.

22 A. Five?

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1 Q. And your counsel was present?

2 A. Yep.

3 Q. And what was the purpose of that meeting?

4 A. It was a proffer session.

5 Q. What's a proffer session?

6 A. That's where you go in and tell them what  
7 you know.

8 Q. Do you know if you had a proffer  
9 agreement?

10 A. Yes.

11 Q. Okay. And what's a proffer agreement?

12 A. Well, you write it up. And my  
13 understanding is that if whatever plea deal falls  
14 through, the proffer session is not going to be  
15 used to, you know, incriminate you in a court of  
16 law.

17 Q. So the -- you had decided at this point  
18 to talk to the prosecutors and to the agents --

19 A. Correct.

20 Q. -- as opposed to the grand jury, where  
21 you had taken the 5th.

22 A. Correct.

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1 Q. And can you tell us -- again, without  
2 disclosing any advice you received from your  
3 lawyer -- why you decided to do that? If you  
4 can't without disclosing advice you received from  
5 your lawyer, don't tell me anything.

6 A. They had the upper hand.

7 Q. Why do you say that?

8 A. I don't know how much more I can go into  
9 it.

10 Q. If it's advice -- if it's anything --  
11 communication just from your lawyer, do not tell  
12 me.

13 THE WITNESS: Can we take a little break?

14 MR. BURCK: Sure. Sure.

15 THE WITNESS: Thanks.

16 VIDEO TECHNICIAN: The time is 2:16 p.m.  
17 We're off the record.

18 (A recess was taken.)

19 VIDEO TECHNICIAN: The time is 2:21 p.m.  
20 We're on the record.

21 BY MR. BURCK:

22 Q. Mr. Littlejohn, before we took a break I



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1 asked you why you decided to talk to the  
2 prosecutors in September of 2023, and you answered  
3 they had the upper hand.

4 Then I asked you, without going into  
5 advice you received from your lawyer, can you tell  
6 us your motivation for deciding to talk to them at  
7 that point.

8 A. Primarily, I wanted to come clean, take  
9 responsibility for my actions. I, at the outset,  
10 objected to the government's characterization that  
11 I thought I was above the law. I never thought I  
12 was above the law. And at this point, I was ready  
13 to take responsibility.

14 Q. Okay. How long, roughly, was that first  
15 meeting, that first proffer?

16 A. It was long. All day, essentially.

17 Q. All day. Okay. And without telling me  
18 everything you talked to them about, just tell  
19 me -- generally summarize what your discussion was  
20 with them. What did they ask you about? What did  
21 you say? In very high-level terms.

22 A. It was questions similar to the ones that

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1 we've been going over with you today. And they --  
2 in addition, we did walk through the code and  
3 queries that I had put together. The agent had an  
4 understanding --

5 MS. SMITH: So we're just going to object  
6 to the extent that this is getting into stuff that  
7 is protected by the law enforcement investigative  
8 privilege. To the extent he's going to talk about  
9 questions that TIGTA agents asked him about codes  
10 and data queries, that starts to get into  
11 privileged information.

12 MR. BURCK: Without conceding that the  
13 privilege applies, I'll only ask him what his  
14 answers were.

15 MS. SMITH: Okay.

16 BY MR. BURCK:

17 Q. So, yeah, just tell us -- without telling  
18 us what they asked you specifically, can you just  
19 tell us what you discussed? Which I think you've  
20 already answered to some extent, but whatever  
21 detail you can give us.

22 A. We discussed the execution of the crime

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1 in specific detail as it relates to code and IRS  
2 systems.

3 Q. Okay. And you talked about ProPublica  
4 and you talked about New York Times?

5 A. Yes.

6 Q. Did they show you any documents during  
7 this meeting?

8 A. The only things I remember seeing were  
9 code, my own code. They showed me that.

10 Q. And where did that code come from, as far  
11 as you know?

12 A. From the IRS systems that I was using.

13 Q. And so this was the code that they were  
14 able to recover --

15 A. Correct.

16 Q. -- from their investigation of your  
17 laptop and your access?

18 A. Not from the laptop but from other IRS --

19 Q. Other IRS --

20 A. -- systems. Yeah.

21 Q. -- systems.

22 Did you admit that you had access to this

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1 information and then disclosed it to the New York  
2 Times and to ProPublica?

3 A. Yes.

4 Q. Sand that was on September 13th, 2023.

5 And I believe end of that month you  
6 pleaded guilty?

7 A. Correct.

8 Q. And so your counsel and the government  
9 worked out a plea agreement, correct?

10 A. Yes.

11 Q. And then you appeared in front of Judge  
12 Reyes?

13 A. Yes.

14 Q. And you pleaded guilty?

15 A. Yes.

16 Q. And I believe that you pleaded guilty to  
17 one count -- one felony count.

18 A. Correct.

19 Q. You then had another proffer with the  
20 government in December, correct?

21 A. Correct.

22 Q. Can you tell us what that was about?

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1           A. It was basically more detail around any  
2 pending technical questions. So I helped them  
3 better understand some of the processes that, you  
4 know, I went through.

5           Q. You're saying technical issues around the  
6 way that you accessed the information?

7           A. They went through -- yeah --

8           Q. Don't tell me what they asked you --

9           A. Yeah.

10          Q. -- just give me what you -- I know it's  
11 hard to do that, but just give me what you  
12 answered.

13          A. They just wanted to know more about the  
14 commission of the crime, essentially. They asked  
15 more detailed questions.

16          Q. Right. They wanted to know how you did  
17 it.

18          A. Yes.

19          Q. In greater technical detail.

20          A. Yes.

21          Q. And you gave them that information.

22          A. Yes.

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1 Q. And it was what you had told us today,  
2 that you accessed the database from your laptop,  
3 you uploaded it to a private website, and then you  
4 put it on a flash drive?

5 A. Yes.

6 Q. Did they ask you anything else about that  
7 process beyond -- or let me ask it this way.

8 Did you tell them anything else about the  
9 process that you did not tell us today?

10 A. Not about that process, no. It's more  
11 like, you know, when did this happen, when were  
12 these communications, what did you do here and  
13 there?

14 And insofar as I've explained in great  
15 detail to you what and how things were done, it  
16 roughly matches up.

17 Q. Right.

18 A. But I can't speak to all the specifics.

19 Q. Understood.

20 And did they show you documents,  
21 communications, or anything else that you had with  
22 ProPublica or others?

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1 A. They did. Yes.

2 Q. Did they show you documents with anybody  
3 inside the IRS? Any communications with people  
4 inside the IRS?

5 A. No, they didn't, I don't believe.

6 Q. So it was with ProPublica and New York  
7 Times --

8 A. Yes.

9 Q. -- principally?  
10 Did they show you any documents or  
11 communications you had with anyone other than  
12 New York Times or ProPublica reporters?

13 A. Not that I recall.

14 Q. Did they ask you about -- I think that  
15 the government said at the sentencing that you had  
16 provided information for them on how to improve  
17 the security systems of the IRS.

18 A. These were --

19 Q. Do you recall --

20 A. -- my opinions.

21 Q. But you recall the government said that  
22 at the sentencing?

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1 A. Uh-huh.

2 Q. And that was --

3 A. Yes.

4 Q. -- true?

5 A. Yes.

6 Q. And that was -- they -- without telling  
7 me what they asked you, did they request  
8 information like that from you?

9 A. Yes. Well, I was ready to offer it,  
10 whether they requested it or not.

11 Q. Okay. So --

12 A. They seemed --

13 Q. Go ahead.

14 A. They seemed to have already made strides  
15 at that point, so -- I don't know how much I  
16 added, besides my opinion.

17 Q. Okay. And what was your opinion that you  
18 expressed to them about improving the security  
19 systems at the IRS?

20 A. Mostly about being aware of when people  
21 are -- you know, when trusted personnel are  
22 working, what work hours they are supposed to be



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1 working versus the ones they actually are working.

2 Q. Is that because you had been working  
3 outside of normal hours when you uploaded the  
4 material?

5 A. Yes.

6 Q. Okay.

7 A. The job was a full-time job.

8 Q. Okay.

9 A. So I very well couldn't do it during the  
10 job.

11 Q. Right. Because it took effort to  
12 compress it and to upload it and everything.

13 A. Correct.

14 Q. Okay. Did you have any other  
15 recommendations that you made to them?

16 A. None that are anything but my own  
17 opinion.

18 Q. What -- but what was your opinion -- what  
19 did you express to them? What was your opinion  
20 that you told them?

21 A. Well, I opined on the risks of  
22 contractors versus salaried employees.

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1 Q. Okay. And what else did you tell them?

2 A. That's about it.

3 Q. And going back to the point about  
4 watching out for people working outside of --

5 A. Yeah.

6 Q. -- normal business hours, what were  
7 normal business hours? 9:00 to 5:00? Is that --  
8 or --

9 A. That's right.

10 Q. -- 8:00 to 5:00 --

11 A. And, you know, of course, we had people,  
12 Paul Wight, manager, three time zones away. So  
13 overlapping with him in different respects, you  
14 know, would extend it or not extend it, you know.

15 Q. And did you give them any recommendations  
16 on how they would go about doing that, to monitor  
17 whether or not people were working outside of  
18 normal business hours?

19 A. None beyond, you know, just the  
20 suggestion that it would have been -- or -- there  
21 was one more thing. I'm remembering. Can I speak  
22 to that?

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1 Q. Of course, yeah.

2 A. One thing that they, I think, had already  
3 decided to do, which I was in agreeance [sic]  
4 that -- I mean, they said something that they had  
5 taken as a security precaution, which I said,  
6 yeah, that would have been a -- that would have  
7 made me think twice about, you know, this whole  
8 thing, was basically randomly auditing people's  
9 activity. And just, you know, that threat of  
10 having to describe what they're doing as -- would  
11 have been difficult for me to deal with.

12 Q. So just so I understand, that -- your  
13 understanding was that it was a good practice to  
14 randomly audit or let people know that there would  
15 be random audits to deter people from accessing  
16 information the way that you did and then  
17 disclosing it?

18 A. Correct.

19 Q. Did you express any views yourself about  
20 how to do that, to audit people?

21 A. No. I mean, it -- they know their own  
22 systems. They can figure it out.

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1 Q. Any other recommendations that you made?

2 A. Not that I can recall at this point.

3 Q. Did you ask your views on any other  
4 features or security improvements that they were  
5 considering or that they had made?

6 A. No. But I think that the mere  
7 description of events and, you know, how I went  
8 about the crime gave them enough to work with to,  
9 you know, try to prevent similar things in the  
10 future. Certainly some way to prevent private  
11 websites, you know, from being used to facilitate  
12 exfiltration of data is now on their radar, if not  
13 already solved as a problem.

14 Q. Okay. And that meeting, was that all  
15 day, too, or was that less time?

16 A. I'm mixing and matching between the two  
17 meetings.

18 Q. Okay. Got it.

19 A. Sorry.

20 Q. All right. The second meeting, how long  
21 was it, roughly?

22 A. It was also long. It was dark by the

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1 time I got out.

2 Q. Okay. And did you see any of the agents  
3 taking notes while -- or typing?

4 A. Yes.

5 Q. Okay. Have you ever seen any of those  
6 notes? Not your lawyer's notes. Their notes.

7 A. I've seen some of their notes. I mean,  
8 I've seen what they put together. I don't know --  
9 I mean, what we did see -- so, yeah, this were,  
10 like, that is what you've said; look it over, make  
11 sure it's correct.

12 Q. Okay.

13 A. More or less. So a few points where I  
14 said, actually, this is what I meant by this.

15 Q. Did they do that at the meeting or did  
16 they do it afterwards or both?

17 A. This was afterwards. I think this -- I'm  
18 trying to recall if there was -- if it was at the  
19 second meeting that they had -- they were asking  
20 questions, basically, about the first meeting,  
21 essentially.

22 Q. Okay.

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1           A. And so that involved a transcript of the  
2 first meeting. I was able to respond to some  
3 things.

4           Q. Okay. And then I guess we come to your  
5 sentencing.

6                   And your sentencing is in end of  
7 January of this year, January 29th.

8           A. Correct.

9           Q. Did you have any other meetings with the  
10 government other than the two that you referenced?

11          A. No.

12          Q. And I think that the judge imposed a  
13 five-year sentence on you.

14          A. Correct.

15          Q. And --

16          A. Plus three years of --

17          Q. Of supervised --

18          A. -- supervised release, and a fine.

19          Q. And when do you have to report for -- or  
20 self-surrender?

21          A. May 1st.

22          Q. May 1st? Okay.

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1           Okay. I'm going to move on to a couple  
2 more topics. We're kind of getting toward the  
3 end, at least of my questioning, just to give you  
4 some orientation.

5           I'm going to ask you about some documents  
6 that I wanted to see if you are aware of. And I'm  
7 going to have to just describe them in general to  
8 you.

9           Are you aware of screen shots that the  
10 government has between you and reporters at  
11 ProPublica?

12          A. Yes.

13          Q. Did they show them to you?

14          A. Yes.

15          Q. And they were -- they were authentic.

16 You had actually written those or received those.

17          A. Correct.

18          Q. And you had a Twitter account that you  
19 used to communicate with ProPublica?

20          A. That was the afore-mentioned automated  
21 dissemination of the password was the Twitter  
22 account.

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1 Q. I see. Okay. So that's how you had  
2 initially transferred the password for originally  
3 a February --

4 A. Yes.

5 Q. -- but you gave it to them orally in  
6 November.

7 A. Yes.

8 Q. Okay. Did you use the Twitter account  
9 for anything other than the password?

10 A. No.

11 Q. Did they show any documents to you about  
12 the Twitter account when you met with them?

13 A. No.

14 Q. And you're aware that -- your counsel, of  
15 course, was in communication with the government,  
16 correct?

17 A. Yes.

18 Q. And are you aware that your counsel  
19 communicated with them in writing by e-mail?

20 A. I can only imagine.

21 Q. Did you use any other online service  
22 accounts to communicate with anybody about the



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1 topics we've discussed today? ProPublica,  
2 New York Times disclosures.

3 A. Proton Mail.

4 Q. Proton Mail?

5 A. Yeah.

6 Q. And what did you use that for?

7 A. That was the -- putting the data files in  
8 the drafts folder. And it's also -- I think  
9 that's primarily what it was used for. Yeah.

10 Q. Okay.

11 A. Also it was -- I think it -- it was,  
12 like, the account that was connected to the phone.  
13 The phone needed an e-mail account.

14 Q. To your phone? Okay.

15 And I think you mentioned also that you  
16 had -- they had -- or actually, I'm sorry, the  
17 government said, I think, at the sentencing that  
18 you had provided access -- no, I'm sorry. You had  
19 said, through your counsel at sentencing, that you  
20 had provided them devices they otherwise would not  
21 have been able to get.

22 A. Correct.

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1 Q. What were those devices?

2 A. There was a flash drive, a hidden flash  
3 drive, that, you know, contained the records that  
4 were shared with both news outlets. And, you  
5 know, we thought that knowing that part of the  
6 cleanup from this would be involved -- would -- on  
7 the IRS side, they'd have to notify people,  
8 essentially. I thought this might be helpful to  
9 them.

10 Q. And they didn't discover the flash drives  
11 in the search of your house?

12 A. It wasn't -- they weren't in my house.

13 Q. Where did you keep them?

14 A. In the lining of a box that contained an  
15 ornamental camel.

16 Q. I'm sorry, a what?

17 A. It was a box with a camel --

18 Q. With a camel? Okay.

19 A. -- inside that had been in -- up until a  
20 few weeks -- a few days before we had notified the  
21 investigators of the existence of this camel box,  
22 it had been in a house that I had used to rent a

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1 room in, it had since been sold to a woman in  
2 Pennsylvania, but they were able to track down  
3 this woman and retrieve the box and --

4 Q. So the --

5 A. -- a subsequent flash drive.

6 Q. So the box was now with the woman who had  
7 bought the house --

8 A. No, just bought the box.

9 Q. Just bought the box?

10 A. Yes.

11 Q. I see. And so then you retrieved it --

12 MS. MANNING: The day prior, on Facebook  
13 Marketplace.

14 MR. BURCK: Ah. Okay.

15 BY MR. BURCK:

16 Q. The day prior -- so the day prior on  
17 Facebook Marketplace, you retrieved it from her --

18 A. No. It was sold to her by somebody that  
19 was living in the house.

20 Q. I see.

21 A. We didn't know that that was going to  
22 happen. And then investigators locate her and

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1 tracked down the camel in the box --

2 Q. I see. You told the investigators --  
3 because it was --

4 A. I said I thought it was in the house.

5 Q. Right.

6 A. Wasn't in the house --

7 Q. And they found her.

8 A. They found her.

9 Q. Okay. And they got it back and they  
10 confirmed to you that they had retrieved the flash  
11 drive.

12 A. Correct.

13 Q. Any other devices that you think they  
14 would not have found but for your assistance?

15 A. There was another flash drive that had  
16 additional -- it had information on it from just  
17 after the Trump -- just from the Trump data pull,  
18 the initial one, that we were able to tell them  
19 the location.

20 Q. Okay. And that was not also in the  
21 house. That was someplace else.

22 A. Someplace else.

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1 Q. And they retrieved it.

2 A. They did.

3 Q. There's also some reference in some of  
4 the filings in court that you had a journal?

5 A. Yes. This was also on the flash drive  
6 within the box.

7 Q. Okay. And the journal was your private  
8 thoughts about your life?

9 A. Correct. And mostly this case --

10 Q. Oh, and mostly this case?

11 A. This stuff, yeah.

12 Q. And when did you start keeping the  
13 journal?

14 A. It was 2020 January. So there's a large  
15 amount of time that's not covered by it --

16 Q. All right.

17 A. -- or wasn't covered by it. But it  
18 basically documented the time from January to  
19 September of that year, 2020.

20 Q. So it was only from January to December  
21 of that year, 2020?

22 A. September.

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1 Q. September of that year?

2 A. Yes.

3 Q. And just remind me -- I'm sorry, the  
4 dates are -- January of 2020 was when the -- when  
5 you had met with the New York Times --

6 A. Yes.

7 Q. -- again, right?

8 A. Yes.

9 Q. Okay. And then September is when they  
10 published?

11 A. Yes.

12 Q. Why did you start keeping a journal then?

13 A. I had read a book recently that was a  
14 collection of journal entries, essentially, and I  
15 really enjoyed the book. I thought it would be  
16 useful to just keep journal entries, you know, for  
17 the future.

18 Q. Okay. But you wanted it to be -- it was  
19 specifically -- well, about what had happened with  
20 the New York Times and ProPublica?

21 A. Yes. For some portion of that time.

22 Q. Okay. And I'm sorry, which flash drive

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1 was that on?

2 A. The one inside the ornamental camel box.

3 Q. Okay. Did you remember, when you told  
4 them that -- to go look for it, that the journal  
5 was on that?

6 A. Yes. I --

7 Q. Did you -- go ahead. I'm sorry.

8 A. I also wanted to demonstrate, you know,  
9 honesty, I think, to them. You know, if I'm  
10 coming forward, I'm saying all these things, how  
11 do they know to trust me? Well, here's this, you  
12 know, flash drive with all my most private  
13 thoughts; you can take a look at it; it's fine.

14 Q. Right. Okay. But it ended in  
15 September of 2020.

16 A. That's right.

17 Q. Did you keep any other journals after  
18 that?

19 A. No.

20 Q. Is there any other devices or any other  
21 information that you told them about that they  
22 didn't recover from the search?

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1 A. No.

2 Q. So did you know who Ken Griffin was  
3 before you started investigating high-net-worth  
4 Americans?

5 A. I've thought about this question. I read  
6 the Business Press. You know, I'm sure I came  
7 across his name.

8 But it wasn't until the media around the  
9 GameStop stuff that I -- you know, okay, that's  
10 the Citadel guy.

11 Q. That was early 2021?

12 A. That's right.

13 Q. And that was before, I think, ProPublica  
14 had published its articles about the 7500 people,  
15 correct?

16 A. Correct.

17 Q. When you first heard -- or kind of -- you  
18 came -- you know, you knew who Ken Griffin was,  
19 through GameStop, did you think that he was  
20 probably in that group of people that you had  
21 provided information to ProPublica about?

22 A. I actually didn't know because, you know,



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1 the first article didn't -- I don't recall it  
2 containing his name. I might be wrong. But it  
3 really wasn't until later that I became aware that  
4 he was, you know, in this set of reporting.  
5 Because I didn't read any additional articles past  
6 the first two.

7 So it really -- reading a news report  
8 about him suing the IRS was the first time I  
9 realized that he was, you know, in this  
10 disclosure.

11 Q. You anticipated my next question. I was  
12 going to ask when did you first learn about the  
13 lawsuit?

14 A. Like I said, whenever it happened. I  
15 don't know the exact date.

16 Q. Okay. I don't remember exactly myself,  
17 but I think it was in 2022.

18 A. Okay. That sounds about right.

19 Q. Late 2022. Okay.

20 And you read about it in the newspaper?

21 A. Uh-huh.

22 Q. And -- so at that point, did you believe

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1 that his information had been disclosed to  
2 ProPublica?

3 A. Yeah, I could only imagine it would have  
4 been in there.

5 Q. And that -- so the lawsuit was filed in  
6 December of 2022.

7 A. That's what I recall.

8 Q. Right. And so at that point, just to  
9 orient myself in time, this was -- this was after  
10 you had been in the grand jury --

11 A. Yes.

12 Q. -- and you'd taken the 5th on the topics  
13 relating to ProPublica and the New York Times, but  
14 before you had heard anything from TIGTA after  
15 that --

16 A. Correct.

17 Q. -- period. Okay.

18 Now, when you met with the government in  
19 those two proffer sessions, did they say anything  
20 to you about the lawsuit?

21 A. Not to me directly, no. I don't -- it  
22 was not a topic of conversation.

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1 Q. Okay. When you say not directly, what do  
2 you mean?

3 A. We had our session, you know, and I don't  
4 think there were any specific questions about Ken  
5 Griffin in the session.

6 And I can't speak to, you know, things  
7 that were said outside the session or during the  
8 breaks.

9 Q. Did you have a direct -- without -- no  
10 conversations between you and your lawyer alone,  
11 but did you have any conversations with the  
12 government on breaks, outside the session, where  
13 they mentioned Ken Griffin's lawsuit?

14 A. No.

15 Q. You did say that you -- that -- well,  
16 when you said indirectly -- you used the  
17 word "indirectly" -- was there any kind of  
18 indirect reference to --

19 A. I was not -- these were not conversations  
20 that I was a part of, so I don't -- I don't recall  
21 specifics.

22 Q. Okay. Did you hear about any

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1 conversations from someone other than your lawyer?

2 A. I don't recall specifics. And I don't  
3 recall it being a subject of conversation.

4 Q. Okay.

5 A. That's what I remember.

6 Q. Okay. Leading up to your sentencing,  
7 there were, I think, six victim statements.

8 Do you recall that?

9 A. Yes.

10 Q. And I think Senator Scott stood up as a  
11 victim and said some words to the court.

12 Do you remember that?

13 A. Yes. We spoke after.

14 Q. In the context of the victim -- again,  
15 without discussing anything that you had with  
16 your -- any discussions you had with your lawyer,  
17 were there any discussions of the victims,  
18 including Ken Griffin, with the government or  
19 anybody who wasn't your lawyer?

20 A. No. You mean at sentencing?

21 Q. Or before.

22 A. Not that I recall.

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1 Q. Okay.

2 MR. BURCK: Give me one second.

3 All right. I'm just going to -- we're  
4 coming even closer to the end.

5 BY MR. BURCK:

6 Q. I just want to talk briefly about the  
7 Government Exhibit -- I'm sorry, Plaintiff's  
8 Exhibit 5, which is the transcript of the  
9 sentencing. And I'm going to ask you to turn to  
10 page 26.

11 So actually, let's start on page 25, very  
12 bottom of page 25.

13 So again, this is a transcript of the  
14 sentencing that happened on January 29th.

15 Mr. Jacobson is one of the prosecutors,  
16 as we talked about earlier. I'm just going to  
17 read some of what he wrote here -- or he said here  
18 that was transcribed: So over the course of two  
19 years, the defendant, who is an experienced and  
20 successful professional, was entrusted with access  
21 to Americans' unmasked taxpayer data.

22 And the next sentence is, He repeatedly

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1 abused that trust by stealing and disclosing  
2 thousands of citizens' tax returns and return  
3 information. The disclosures were intended to  
4 damage his victims' reputations, and through that  
5 criminal damage, he sought to influence an  
6 election and to reshape our nation's political  
7 discourse and political process.

8 Do you agree with that last sentence?

9 A. I don't think damaging the victims'  
10 reputation was really ever a primary goal.

11 Q. Was it a goal, even if it was a minor  
12 one?

13 A. No. Because, A, I -- I mean, really, in  
14 both cases, I didn't have -- I didn't know what  
15 was the contents of, you know, these tax returns  
16 or tax return information. And especially in the  
17 case of the 7500 individuals, I don't think  
18 anybody could be faulted for trying to pay, you  
19 know, the least amount of money to the IRS. This  
20 is the code. This is the law. If anything,  
21 it's -- this is about Congress' responsibility.  
22 It has nothing to do with the victims, except

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1 insofar as it breached their privacy, which I  
2 freely admit that I did.

3 Q. And to that point, I think on -- if you  
4 go down to line 18 on the same page, Mr. Jacobson  
5 says, But the harm wasn't even limited to the  
6 victims whose data the defendant stole. The  
7 damage is more extensive. All Americans are  
8 obligated to provide an enormous amount of  
9 financial information about their private lives to  
10 the IRS -- to the government. And in exchange, in  
11 turn, what we expect from the government and what  
12 we expect from the IRS is that they will secure  
13 the data. They will protect the data. The  
14 defendant's crime undermined that faith. It  
15 undermined that trust.

16 Do you agree with that?

17 A. Absolutely.

18 Q. Okay.

19 A. As I said in my statement.

20 Q. All right. If we go to page 52.  
21 Actually, let's start on page 51. This is your  
22 statement. This is after the court has asked

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1 you -- has invited you to speak, if you so wished,  
2 and you do.

3 On line 23 you say, I felt that the  
4 American people should have the opportunity to see  
5 the tax returns of the sitting President before  
6 they decided on how they were going to vote.

7 Does that remain your view of how you  
8 felt?

9 A. That's how I felt. Yes.

10 Q. I also felt that taxpayers, as a whole,  
11 deserve to know just how easy it was for the  
12 wealthiest amongst us to avoid paying into our  
13 system.

14 Is that also an accurate reflection of  
15 how you felt then and how you feel now?

16 A. That's how I felt then.

17 Q. Then your last sentence is, I also  
18 understand in [sic] my actions, despite being  
19 driven by a desire for transparency, were illegal  
20 and have caused significant harm.

21 Is that still how you feel?

22 A. Yes.



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1 Q. And what is the significant harm that you  
2 believe that your actions caused?

3 A. That people's privacy was violated in a  
4 way that they should not have any expectation of  
5 it being violated by a government they have a  
6 legal obligation to entrust with their private  
7 information.

8 And, you know, I -- I was never under any  
9 presumption that what I was doing wasn't wrong. I  
10 mean, it's against the law, it was wrong, it was  
11 sneaking around. People don't do those things if  
12 they're doing virtuous things. All I thought was  
13 that it served a public interest, which -- I don't  
14 know. I don't know how I feel now about it.

15 Q. And -- but you also believe that it  
16 caused harm?

17 A. Yes.

18 Q. And then I'm just going to ask you if  
19 you'd turn to page 53. And this is -- just to  
20 orient you, this is -- the Court is speaking after  
21 she has heard from the government, from your  
22 counsel, from you.

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1 And on page 57, the Judge said, The  
2 nature of this offense -- this is at the top of  
3 the page. The nature of this offense was an  
4 intolerable attack on our constitutional  
5 democracy, declaring open season on the private  
6 lives of our highest elected officials.  
7 Mr. Littlejohn's targeting of a sitting President  
8 of the United States is part of a three-year  
9 criminal scheme, including working with reporters  
10 to help him understand the tax returns, deciding  
11 again and again and again to take the law into his  
12 own hands. Disclosing the tax returns of  
13 thousands of individuals, violating their privacy,  
14 making them live in fear of other harms that may  
15 occur to them or their families in the future  
16 supports an upward variance here.

17 Did I read that accurately?

18 A. Yes.

19 Q. And the upward variance, of course,  
20 refers to the fact that the judge gave you a  
21 higher sentence than the guidelines would have  
22 called for otherwise?

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1 A. Correct.

2 Q. Putting aside -- I know you didn't agree  
3 with the upward variance, of course --

4 A. No, actually, we did.

5 Q. You did?

6 A. Not the specific amount, but we --

7 Q. You agreed with the concept of the upward  
8 variance --

9 A. Correct.

10 Q. -- but not the 60 months.

11 Do you agree with the judge about the  
12 fact that she believed that disclosing the tax  
13 returns of thousands of individuals, violating  
14 their privacy and making them live in fear of  
15 other harms that may occur to them or their  
16 families in the future -- do you believe that was  
17 a fair statement by the Judge?

18 A. Yes. Though I will qualify it. I was  
19 intentional, insofar as I could be, to not release  
20 this information publicly without going through a  
21 reputable news outlet. I think that journalistic  
22 integrity would prevent posting home addresses,

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1 prevent posting other significantly identifiable  
2 information.

3 And I did take steps to scrub the data  
4 that was shared of sensitive financial  
5 information, some, that had no journalistic  
6 purpose.

7 That being said, you know, I can't in any  
8 way make up for people's individual private fear.  
9 None of that, you know, discounts their  
10 experience. So I really -- I don't have anything  
11 aside from that to say or to justify my actions.

12 Q. Okay. And then just -- last thing I  
13 wanted to raise with you that the Judge said --  
14 this is on page 72 of the sentencing transcript --  
15 and to some extent it goes to the last point you  
16 were making. And it's line 17: Despite what  
17 Mr. Littlejohn argues, I find it implausible that  
18 he did not intend to harm at least some taxpayers.  
19 Indeed, he provided the returns to the New York  
20 Times and ProPublica so that they could write  
21 articles about Mr. Trump and wealthy individuals.  
22 Any sophisticated and experienced consultant, like

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1 Mr. Littlejohn, knew what type of information tax  
2 returns contained and how its unauthorized  
3 disclosure would cause considerable harm to its  
4 victims.

5 I think that you've kind of addressed  
6 that point, but do you disagree with the judge on  
7 that?

8 A. I think there's a difference between  
9 caused harm and intended to harm. Yes.

10 Q. So you disagree with the judge because  
11 she says that you --

12 A. Well, then, as I do now, as written here,  
13 we argued that we did not intend to cause harm.

14 Q. Okay. All right.

15 A. "We" meaning myself.

16 Q. "We" you mean yourself. I was going to  
17 ask you that. We --

18 A. We -- I mean, maybe you could consider  
19 ProPublica and the New York Times as part of the  
20 "we." But really, me, and of course Ms. Manning  
21 who put together the sentencing memo, that's part  
22 of the "we."

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1 Q. Understood.

2 So -- in preparing for today, you met  
3 with your counsel?

4 A. Yes.

5 Q. And I assume she showed you some  
6 documents to prepare you.

7 A. No.

8 Q. Did you meet with the government?

9 A. No.

10 Q. Have you had any meetings with the  
11 lawyers from the government or the IRS, either the  
12 DOJ or IRS, in preparation for this meeting?

13 A. No.

14 Q. Have you had any meetings with the  
15 government outside of the two proffers that we  
16 discussed?

17 A. No.

18 MR. BURCK: Just give me a second. May  
19 we go on, like, a two-minute break?

20 MS. MANNING: Of course.

21 VIDEO TECHNICIAN: The time is 3:01 p.m.  
22 We're off the record.

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1 (A recess was taken.)

2 VIDEO TECHNICIAN: The time is 3:11 p.m.

3 This begins unit number 5. We're on the record.

4 BY MR. BURCK:

5 Q. Mr. Littlejohn, just -- earlier, before  
6 this break, I asked you about screen shots of  
7 messages between yourself and reporters of  
8 ProPublica that the government showed you at one  
9 of the proffers.

10 A. Correct.

11 Q. Do you know if those were messages that  
12 the government received from you voluntarily, or  
13 was it something they got from the search warrant?

14 A. It was voluntary.

15 Q. And do you remember approximately when  
16 you authorized -- I assume your counsel -- to  
17 provide it to them?

18 A. It was ahead of -- it was the same day as  
19 the proffer.

20 Q. Same day as the proffer. So when --

21 THE WITNESS: Wait --

22 No.

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1 MR. BURCK: No?

2 MS. MANNING: Do we have to go off the  
3 record or may I clarify?

4 MR. BURCK: You can clarify.

5 MS. MANNING: Those messages were on the  
6 USB drive --

7 MR. BURCK: The camel --

8 MS. MANNING: The camel drive.

9 MR. BURCK: Okay.

10 MS. MANNING: And so I'm not sure the  
11 authority -- they may have had a separate search  
12 warrant or seizure warrant to actually seize it  
13 from the woman who had purchased it the day before  
14 on Facebook Marketplace.

15 MR. BURCK: I understand.

16 MS. MANNING: But it was -- we assisted  
17 in the recovery, but it was ultimately tracked  
18 down by federal agents and then taken into their  
19 custody.

20 MR. BURCK: Understood.

21 BY MR. BURCK:

22 Q. But Mr. Littlejohn, you identified the



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1 camel -- the box, camel, for the government in  
2 order to assist them, correct?

3 A. Correct.

4 Q. Okay. I'm going to go through a series  
5 of questions here, a little bit of backtracking,  
6 not on terms of substance, but just in terms of  
7 time, and then we'll be finished for now.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED]

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Q. Okay. I think earlier you testified that you were involved in the creation of filters to prevent the filing of fraudulent tax returns?

A. That's right.

Q. Can you just tell us a little bit more about your involvement in the creation of those filters?

A. Yes. So it was not my primary activity. As I've mentioned before, a lot of what I was doing was developing reports. But some of the stuff that I got involved in a little bit later was -- you know, there were specific kinds of filters that were being developed by the team that had various statistical characteristics. Some were basically just targeting specific schemes. And I would do back-testing of these potential filters to identify whether or not it would capture suspected fraudulent returns.

Q. Okay. We talked a little bit about your training.

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1 Did somebody keep track of your training  
2 at the IRS?

3 A. I'm sure it's in their automated -- some  
4 system I'm sure tracks it. Probably the COR also  
5 is responsible for it, too.

6 Q. The COR. And that's a person?

7 A. Martha Coleman.

8 Q. Martha Coleman. Okay.

9 A. Or Marsha.

10 Q. Marsha Coleman. Okay.

11 Do you know who set the curriculum for  
12 the training at the IRS?

13 A. No.

14 Q. Did you ever miss completing a data  
15 security training on time?

16 A. No.

17 Q. Did you have an understanding of what  
18 would happen if you did miss to complete a  
19 training on time?

20 A. Well, I never expected to miss that, so I  
21 don't know the exact repercussions for it.

22 Q. Okay. Going back to 2017 when you

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1 returned to the IRS, I think you mentioned that  
2 you had had a confab meeting on Wednesdays?

3 A. Yes.

4 Q. Can you tell us what that means?

5 A. Oh, it's just a meeting that included a  
6 bunch of different teams that got to listen to us  
7 talk about the previous week in secure access  
8 analytics. So we would discuss -- you know, we'd  
9 basically put together a report that talks about,  
10 you know, how many people came through, what's the  
11 success rate, what are various ways to slice and  
12 dice the data. Anything new, special reports that  
13 we put together.

14 Q. Okay. And earlier you testified that --  
15 about the overcorrection that had happened with --  
16 that made it more difficult for --

17 A. Yes.

18 Q. -- even legitimate taxpayers to get  
19 access to information.

20 Part of your job was to monitor the  
21 system that was meant to fix this problem, right?

22 A. There was no system, as such.

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1 Q. Well...

2 A. The only system I'd say is just our  
3 activity in investigating the secure access.

4 Q. If there was too high a level of  
5 rejection, you would try to fix it?

6 A. Oh, certainly. Yeah.

7 Q. So were you also responsible -- you,  
8 amongst others -- with fixing or troubleshooting  
9 issues as they arose?

10 A. Some, yes. But many that you'd might  
11 imagine were not subject to our involvement. You  
12 know, maybe -- secure access goes down because of  
13 some issue with the servers, that's not really  
14 related to what we did.

15 Q. Okay. Your work at the IRS, particularly  
16 from 2017 through 2021, would you say that the IRS  
17 directed your work?

18 Putting aside the criminal issues --

19 A. Yeah, I don't --

20 Q. -- so your normal day-to-day --

21 A. Can you give me a few examples of what  
22 you might consider directed?

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1 Q. Did you know when you had to report in to  
2 the office, for example?

3 A. Generally, yes.

4 Q. Okay. Paul Wight was your direct report.  
5 Or you reported to him?

6 A. Yes.

7 Q. Would you consider him to be someone who  
8 could direct your work?

9 A. Yes.

10 Q. And he worked for the IRS?

11 A. Yes.

12 Q. Were there other people like Paul Wight  
13 who were employees of the IRS that had a similar  
14 job as you?

15 A. Other people that had a similar job that  
16 worked at the IRS? Not exactly, no. I mean,  
17 like, I don't know everybody that worked at the  
18 IRS, so it's hard to say.

19 Q. Okay.

20 A. Maybe you could elaborate.

21 Q. No, that's fine. That's...

22

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1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

Q. So we've talked about this before, but I

12

just want to be more specific.

13

For individual tax returns, you had

14

access to all of the reporting fields on the

15

individuals' tax returns, right?

16

A. Correct.

17

Q. So that would include deductions,

18

dependent information, social security numbers,

19

claimed losses, individual deductions, charitable

20

contributions?

21

A. Yes.

22

Q. And I think you testified that, at least

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1 on some occasions, you had actually scrubbed some  
2 people's tax returns before you disclosed it to  
3 either -- or I guess the -- ProPublica.

4 A. Correct.

5 Q. And you also say that you had access to  
6 tax returns, I think, going back 16 years?

7 A. 15 or 16.

8 Q. And in your view, was a claimed loss by a  
9 taxpayer on a tax return filed over ten years ago,  
10 was that used to validate a taxpayer?

11 A. Not that I know of. I don't know.

12 Q. Was the amount --

13 A. What do you mean -- by whom, I'm sorry?

14 Q. By the IRS or by you.

15 A. I don't know what you're speaking to,  
16 sorry.

17 Q. You probably don't know the answer to  
18 this either, but I'll ask anyway.

19 Was the amount of a -- taxpayer  
20 charitable contributions reported on a tax return  
21 ten years ago, was that used to validate  
22 taxpayers?



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1           A. I don't know what you mean by validate,  
2     to be honest.

3           Q. Okay. Understood. And what about  
4     capital losses? Also validate -- you don't know  
5     what I'm talking about when I ask you about  
6     validation?

7           A. I'm sorry, I don't.

8           Q. That's fine.

9                     You also had audit information, right?  
10    You had access to audit information?

11          A. Limited.

12          Q. Limited?

13          A. Yes.

14          Q. And how was it limited?

15          A. It didn't contain any notes.

16          Q. What are the notes?

17          A. I don't know. Notes you'd expect from an  
18     audit.

19          Q. Okay. But you knew that an audit had  
20     occurred with somebody? Is that how --

21          A. Yes.

22          Q. Okay. I think we talked about this, but

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1 when you accessed Donald Trump's tax returns, you  
2 didn't hear from the IRS or investigators for  
3 several years, correct?

4 A. Correct.

5 Q. And with respect to ProPublica, it was a  
6 year or so.

7 A. No, less than that.

8 Q. Less than that?

9 A. Well, from when?

10 Q. From when you actually --

11 A. Oh, correct.

12 Q. -- took the information --

13 A. It was over a year.

14 Q. -- it was over a year later.

15 So at the time, you had no reason to  
16 believe that the IRS would actually know that you  
17 had accessed a specific taxpayer's or group of  
18 taxpayers' tax returns.

19 A. No, I didn't know.

20 Q. Now, you testified that access to  
21 taxpayer return information was necessary for your  
22 job, right?

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1 A. Correct.

2 Q. Do you know who at the IRS made that  
3 determination?

4 A. It would be whoever signed off on my --  
5 whatever the -- 50 -- 5081 is what it's called.  
6 It's the approval for system access at the IRS.

7 Q. Do you know who that person is?

8 A. Paul Wight approves.

9 Q. Paul Wight approves. Anybody else?

10 A. Yeah, there was one other person that --  
11 I kept on getting switched back and forth between  
12 them as a manager, but he did not manage me. It  
13 was -- I don't recall his name.

14 Q. Okay.

15 MR. BURCK: Thank you very much,  
16 Mr. Littlejohn. That will conclude my questions  
17 for the moment. And I think I'll hand it over to  
18 the Department of Justice.

19 THE WITNESS: Very well.

20 EXAMINATION BY COUNSEL FOR DEFENDANTS

21 BY MS. SMITH:

22 Q. Good afternoon, Mr. Littlejohn. I am

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1 going to be asking questions a little bit all over  
2 the place, so I apologize in advance, but I want  
3 to follow up on some of your testimony earlier  
4 today.

5 One thing that you mentioned during your  
6 testimony was that you had views about the risks  
7 that the IRS should consider between contractors  
8 and employees.

9 A. Correct.

10 Q. What did you mean by that?

11 A. I think that there's always going to be a  
12 bit more of a risk with a contractor than with an  
13 employee, is really what it came down to. You  
14 know, if you're an employee that's gone through  
15 the extensive process to get hired by a government  
16 institution, you have some allegiance to that  
17 institution; whereas, you know, whoever hired me,  
18 I mean, I don't -- it's just a little different.

19 So that's my opinion only. I mean, of  
20 course we sign the same nondisclosure agreements,  
21 so by law, there's no difference.

22 Q. Okay. And did you have the same type of

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1 training regarding 6103 and protecting taxpayer  
2 return information as employees?

3 A. I can only assume it was the same because  
4 it didn't have any specific connotation that this  
5 was just for contractors.

6 Q. Okay.

7 A. But I was not an employee, so I don't  
8 know what they see.

9 Q. Right. You were not ever an employee of  
10 the IRS, correct?

11 A. Never.

12 Q. Okay. Have you ever been an employee of  
13 the United States?

14 A. No.

15 Q. Okay. If you turn to Exhibit 2. And you  
16 were asked about the description in your resume  
17 where you say you are a senior analyst with the  
18 IRS Identity Assurance Office's analytics  
19 division.

20 Do you see that?

21 A. Yes.

22 Q. And that senior analyst title, that's a

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1 description that you gave yourself?

2 A. Yes. This is an internal Booz Allen  
3 resume intended to communicate to other Booz Allen  
4 projects your capabilities.

5 Q. Okay. So Booz Allen instructed you to  
6 provide a resume that they could provide to  
7 others?

8 A. Within Booz Allen, correct.

9 Q. Within Booz Allen. Okay.

10 A. So this was my attempt to be descriptive.

11 Q. Okay. And in 2017, what was your title  
12 at Booz Allen?

13 A. It was associate.

14 Q. Associate. Did it stay associate  
15 throughout 2017 to 2021?

16 A. No. I was promoted.

17 Q. Okay. And when were you promoted?

18 A. I don't recall. I think it was 2019  
19 or -- probably 2019.

20 Q. And when you were promoted, what was the  
21 title you were given?

22 A. Lead associate.

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1 Q. Who gave you that title?

2 A. It was my manager.

3 Q. Your manager at Booz Allen?

4 A. Is that the question?

5 Q. Yes.

6 A. Bob Fischer.

7 Q. Is -- when you say your manager gave you  
8 that title, are you talking about Bob Fischer at  
9 Booz Allen?

10 A. Lead associate?

11 Q. Yes.

12 A. I mean, I'm not sure if he could -- he  
13 doesn't have the authority to give me that title.  
14 It's simply a promotion.

15 Q. Well, who --

16 A. I don't know what --

17 Q. Who gave you the promotion? How did you  
18 know you were promoted?

19 A. I was told by Bob that I was promoted.  
20 I'm sure it went before a committee of some kind.

21 Q. Okay. So someone at -- a committee or  
22 someone at Booz Allen decided you should be

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1 promoted in 2019. They gave you a promotion, and  
2 then Mr. Fischer informed you of that.

3 A. Correct.

4 Q. Did you receive any other promotions  
5 between 2017 to 2021?

6 A. No.

7 Q. Okay. Did you receive paychecks during  
8 the 2017 to 2021 time frame?

9 A. Yes.

10 Q. Who gave you those paychecks?

11 A. Booz Allen Hamilton.

12 Q. Okay. Did you receive any bonuses during  
13 that time frame?

14 A. Not what you'd call bonuses. Team  
15 awards.

16 Q. Okay.

17 A. That sort of thing.

18 Q. And --

19 A. That had monetary value.

20 Q. And who gave you those team awards?

21 A. My task -- my -- the person who managed  
22 me on the project that I was on with IRS, who was



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1 a Booz Allen employee.

2 Q. And what was that person's name?

3 A. Sheetal Maithel.

4 Q. Okay. Did you have -- you, personally --  
5 have performance evaluations during the 2017 to  
6 2021 time frame?

7 A. Yes.

8 Q. And who gave you those evaluations?

9 A. Robert Fischer.

10 Q. From Booz Allen?

11 A. Yes.

12 Q. Did the IRS sit down and give you a  
13 performance evaluation during that time frame?

14 A. No.

15 Q. Did you receive vacation days, sick days,  
16 things like that, while you were working at  
17 Booz Allen?

18 A. Yes.

19 Q. And if you wanted to take a sick day, how  
20 would you do that?

21 A. I would inform the team ahead of time,  
22 IRS as well, and then I'd schedule it.

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1 Q. Okay. And did you have to schedule that  
2 with Booz Allen?

3 A. Both, IRS and Booz Allen.

4 Q. Okay.

5 A. There's a calendar.

6 Q. Okay. And did you have to, like, submit  
7 anything else? Submit any request showing that  
8 you're taking leave?

9 A. Not aside from -- well, typically, I  
10 would not -- let me backtrack for a second. If  
11 I'm taking leave, like if I'm going on a vacation,  
12 I actually wouldn't need to really tell  
13 Booz Allen -- like my manager. So the way this  
14 works is you have a manager that's like --  
15 oversees your career development. That's how Bob  
16 and I, you know, related. And then you also have  
17 the manager on your task, your contract. And  
18 that's who you would deal with -- your time or  
19 your vacation schedule, that sort of thing.

20 And, you know, I wouldn't necessarily  
21 tell Bob I'm going on vacation unless we were just  
22 talking and...

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1 Q. And who's the manager on the contract?  
2 Is that an IRS employee or a Booz Allen employee?

3 A. That's a Booz Allen employee.

4 Q. Okay.

5 A. Oh, but there's a system, too -- they've  
6 changed it a few times over the years in  
7 Booz Allen -- where you could put in your expected  
8 leave, and then your task manager on the contract  
9 would approve it.

10 Q. And when you're saying managers, you're  
11 referring to Booz Allen managers.

12 A. Yes.

13 Q. Okay.

14 MS. SMITH: I'm going to just continue  
15 with the numbering. Are we on 6?

16 (Littlejohn Deposition Exhibit 6 marked  
17 for identification and attached to the  
18 transcript.)

19 BY MS. SMITH:

20 Q. I'm going to show you what's been marked  
21 as Exhibit 6. And this is a document, you'll see  
22 in the bottom right-hand corner, that has Bates

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1 labels. It starts with BAH.Griffin 168 and goes  
2 to BAH.Griffin 169.

3 Do you see that?

4 A. Yes.

5 Q. And what is this document? Do you  
6 recognize it?

7 A. This is an offer letter of some kind.

8 Q. Have you seen this document before?

9 A. Yep, I have.

10 Q. And this is an offer letter from  
11 Booz Allen to you?

12 A. Yes. To me from Booz Allen.

13 Q. From September 2017?

14 A. Correct.

15 Q. And in this letter they -- it's redacted,  
16 but they set your salary, right?

17 A. Correct.

18 Q. Okay. And they gave you -- they  
19 identified a career manager, Robert Fischer --

20 A. Correct.

21 Q. -- for you, and he works at Booz Allen?

22 A. Yes.

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1 Q. And then it listed some requirements and  
2 contingencies for the offer; is that right?

3 A. Yes.

4 Q. And did you accept this offer?

5 A. I did.

6 Q. Okay. And did you remain a Booz Allen  
7 employee from 2017 through 2021?

8 A. That's right.

9 (Littlejohn Deposition Exhibit 7 marked  
10 for identification and attached to the  
11 transcript.)

12 BY MS. SMITH:

13 Q. I'm going to hand you a document that's  
14 been marked Exhibit 7. It's Bates stamped  
15 BAH.Griffin 208.

16 Do you recognize this document?

17 A. Yes.

18 Q. What is it?

19 A. It's a time reporting document.

20 Q. For Booz Allen?

21 A. Yes.

22 Q. And would you have to record your time

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1 with Booz Allen? You were talking before if you  
2 had to take leave or things like that -- would you  
3 report that to Booz Allen?

4 A. Yes.

5 Q. Is this the program that you would use,  
6 TimeOnline?

7 A. It is. This is -- there was a separate  
8 one when I was there that you could forecast your  
9 leave in advance. But, you know, this is  
10 specifically when you put in time off or time on  
11 the contract, internal or whatever, you would  
12 report your time.

13 (Littlejohn Deposition Exhibit 8 marked  
14 for identification and attached to the  
15 transcript.)

16 BY MS. SMITH:

17 Q. I'm going to hand you what's been marked  
18 as Exhibit 8. It's labeled USA Griffin 2457, and  
19 it goes to USA Griffin 2470.

20 Do you recognize this document?

21 A. This is an integrated talent management  
22 learning history.

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1 Q. Do you recognize it?

2 A. It appears to record the briefings that I  
3 completed.

4 I've not seen this specific document, no,  
5 but maybe it's some sort of printoff from an  
6 internal system.

7 Q. Okay. You testified that you had  
8 training requirements at the IRS and at  
9 Booz Allen?

10 A. Correct.

11 Q. And you completed all of those  
12 requirements?

13 A. It appears to be so.

14 Q. Are there any trainings in here that you  
15 don't recognize or you don't believe that you  
16 completed?

17 A. No.

18 Q. Okay. Was the IRS a client or a customer  
19 of Booz Allen Hamilton under the contracts that  
20 you were working under?

21 A. They were a client.

22 Q. A client. And when counsel referenced

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1 several times that you were, quote/unquote,  
2 working for the IRS, do you mean you were working  
3 with Booz Allen's client or customer, the IRS?

4 A. Correct.

5 Q. You were never employed by the IRS.

6 A. Correct.

7 Q. And Paul Wight was a point of contact at  
8 the IRS that you worked with?

9 A. Oh, he's more than just a point of  
10 contact.

11 Q. Okay. And how would you describe him?

12 A. He was my manager in the IRS system.

13 Q. And what would he manage?

14 A. He was the client, essentially, for us,  
15 our main point of contact. So he would give us  
16 feedback on our work and tell us what he thought  
17 we should be doing.

18 Q. Would he tell you how to do your job, or  
19 would he tell you what he wanted the product to  
20 look like?

21 A. The latter. He didn't tell us how to do  
22 our job.



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1 Q. Okay. Do you know if Paul Wight knew how  
2 to do your job?

3 A. He could do some of it, but not all.

4 Q. Okay. And the IRS entered into a  
5 contract with Booz Allen Hamilton because Booz  
6 Allen Hamilton had the expertise, right, to do the  
7 projects that the IRS wanted?

8 A. Correct.

9 Q. Okay. I think there was a reference of  
10 you training IRS analysts.

11 Do you remember that testimony?

12 A. Yes.

13 Q. By that do you mean you were training the  
14 IRS analysts how to do what you were doing under  
15 the contract?

16 A. Correct.

17 Q. And the purpose of that training was so  
18 that the IRS could bring this in house and not  
19 have contractors doing this?

20 A. That was someone's hope, I think, in some  
21 way.

22 Q. Okay. But the training that you were

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1 giving was the expertise you had that you were  
2 trying to impart onto the IRS.

3 A. Yes.

4 Q. Would you consider yourself a manager of  
5 IRS employees?

6 A. No, I think that's too far.

7 Q. Okay. Because you didn't provide, like,  
8 performance evaluations for IRS employees.

9 A. Exactly. I never did that.

10 Q. You didn't hire or fire IRS employees.

11 A. I could not do that.

12 Q. You didn't approve leave requests from  
13 IRS employees.

14 A. No.

15 Q. Okay. At sentencing, you made the  
16 comment, I alone am responsible for this crime.

17 Do you remember that?

18 A. Yes.

19 Q. Do you agree with that statement?

20 A. Wholeheartedly.

21 Q. Was there anyone at the IRS that you  
22 spoke to in 2018, '19, early 2020 -- I'm sorry,

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1 2018, 2019, 2020, early 2021, about what you were  
2 doing with the New York Times and ProPublica?

3 A. No, I did not [sic].

4 Q. Did you discuss with anyone at Booz Allen  
5 Hamilton what you were doing in 2018, '19, '20, or  
6 early 2021 regarding the New York Times and  
7 ProPublica and disclosing taxpayer return  
8 information?

9 A. No.

10 Q. You were testifying about pulling data  
11 for about 7500 high-net-worth or high-income  
12 taxpayers, correct?

13 A. Correct.

14 Q. How many times did you pull that  
15 information? Was it once or multiple times?

16 A. For the same people?

17 Q. Well, let's talk about Mr. Griffin, since  
18 he's the plaintiff in this case.

19 How many times did you access his  
20 information?

21 A. Well, these queries were set up to access  
22 multiple data tables in IRS systems. Each table

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1 contains a different form or schedule, so each  
2 table will have information for each of the people  
3 involved.

4 So you tell me the number of tables that  
5 were accessed; that's the number of times his  
6 information was touched.

7 Q. Okay. And do you have an idea as to  
8 how -- how many tables were accessed for  
9 Mr. Griffin?

10 A. I don't have a specific number. If I  
11 were to guess, it would be under a hundred.

12 Q. Did you target Mr. Griffin when you  
13 started gathering this information?

14 A. No.

15 Q. Did you inspect the infor- --  
16 Mr. Griffin's information before turning it over  
17 to ProPublica?

18 A. No.

19 Q. And how many times did you disclose  
20 Mr. Griffin's information to ProPublica?

21 A. Just once.

22 Q. Did you give Mr. Griffin's return

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1 information to any other sources?

2 A. No.

3 MS. SMITH: I think if we can just take a  
4 couple of minutes, see if there's anything else.

5 MR. BURCK: Sure.

6 VIDEO TECHNICIAN: The time is 3:44 p.m.  
7 We're off the record.

8 (A recess was taken.)

9 VIDEO TECHNICIAN: The time is 3:56 p.m.  
10 We're on the record.

11 BY MS. SMITH:

12 Q. Mr. Littlejohn, when we were at the  
13 break, there was a discussion about you not  
14 knowing the identities of the taxpayers'  
15 information who you gave to ProPublica; is that  
16 right?

17 A. Correct.

18 Q. Is there something else you wanted to  
19 clarify about that or expound upon?

20 A. As stated before, the queries were of a  
21 set parameter, let's get the top 500 people each  
22 year by total positive income. You know, I had no

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1 idea what that would return, so -- but I did want  
2 to ensure that it was accurate, at least insofar  
3 as I should expect some, you know, people that I'm  
4 familiar with to show up on this.

5 But I did not, you know, review the  
6 extent of who was in there and it was not targeted  
7 towards specific individuals.

8 And, you know, I can state that I did not  
9 see Mr. Griffin's, you know, name in there prior  
10 to sharing it to ProPublica.

11 Q. Okay. You were asked earlier about  
12 Nanette Downing.

13 Do you remember that?

14 A. Yes.

15 Q. And she was Paul Wight's boss; is that  
16 correct?

17 A. Correct.

18 Q. And she wasn't your boss, correct?

19 A. No, but she was probably what you would  
20 consider the client.

21 Q. She was the client?

22 A. She was the client. Yes.

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1 Q. And when -- you said you had communicated  
2 with her by e-mail?

3 A. Yes. And in person.

4 Q. And in person.

5 And when you were communicating by  
6 e-mail, would you include Mr. Wight on those  
7 e-mail communications?

8 A. Almost always.

9 Q. Can you recall any time where you  
10 communicated with Ms. Downing without including  
11 Mr. Wight on an e-mail?

12 A. It may have happened, but I don't recall  
13 it.

14 Q. Okay. Did you meet with Mr. Griffin's  
15 counsel at any point before today?

16 A. No.

17 Q. Did you meet with them today before the  
18 deposition?

19 A. No.

20 Q. Have you had any communications with  
21 Mr. Griffin's counsel?

22 A. I have not.

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1 Q. Okay.

2 MS. SMITH: Okay. That concludes our  
3 questioning. Again, we just want to reiterate  
4 that the entire deposition transcript be marked  
5 confidential, consistent with the stipulated  
6 protective order so that each page of the  
7 transcript is marked confidential.

8 MR. BURCK: I have no further questions  
9 for you today, Mr. Littlejohn. I want to thank  
10 you very much for coming and spending these hours  
11 with us.

12 There are some outstanding discovery  
13 disputes and other disputes with the government  
14 and the IRS that may require us to request that  
15 you appear for another deposition.

16 So for the moment, we are suspending the  
17 deposition -- we're not closing it -- but that's  
18 because of these outstanding issues that we have  
19 to deal with with the other side.

20 THE WITNESS: Will I get another \$40?

21 MR. BURCK: I'm sure you will.

22 So thank you again very much. Appreciate



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1 it.

2 THE WITNESS: Thank you.

3 VIDEO TECHNICIAN: The time is 4:00 p.m.

4 We're off the record.

5 (Whereupon, at 4:00 p.m., the  
6 confidential videotaped deposition of  
7 CHARLES E. LITTLEJOHN was concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, CHRISTINA S. HOTSKO, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotypy and thereafter reduced to typewriting under my direction; that said statement is a true record of the proceedings; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this statement was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



CHRISTINA S. HOTSKO

Notary Public in and for the

District of Columbia

My commission expires:

1 January 2027

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1 Lisa Manning, Esquire  
lmanning@schertlerlaw.com

3 March 20, 2024

4 RE: Kenneth C. Griffin vs. Internal Revenue Service  
Job No. FLA6463139

5 3/19/2024 Deposition of Charles E. Littlejohn

6 The above-referenced transcript is available for  
7 review.

8 The witness should read the testimony to  
9 verify its accuracy. If there are any changes,  
10 the witness should note those with the reason  
11 on the attached Errata Sheet.

12 The witness should, please, date and sign the  
13 Errata Sheet and email to the deposing attorney as well as  
14 to Veritext at Transcripts-fl@veritext.com and copies will  
15 be emailed to all ordering parties.

16 It is suggested that the completed errata be returned 30  
17 days from receipt of testimony, as considered reasonable  
18 under Federal rules\*, however, there is no Florida statute  
19 to this regard.

20 If the witness fails to do so, the transcript may be used  
21 as if signed.

22 Yours,

23 Veritext Legal Solutions

24  
25 \*Federal Civil Procedure Rule 30(e)/Florida Civil Procedure  
Rule 1.310(e).

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RE: Kenneth C. Griffin vs. Internal Revenue Service

Job No. FLA6463139

3/19/2024 Deposition of Charles E. Littlejohn

E R R A T A S H E E T

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REASON\_\_\_\_\_

Under penalties of perjury, I declare that I have  
read the foregoing document and that the facts  
stated in it are true.

Charles E. Littlejohn

DATE

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KENNETH GRIFFIN vs. INTERNAL REVENUE SERVICE and  
U.S. DEPARTMENT OF THE TREASURY

CHARLES E. LITTLEJOHN

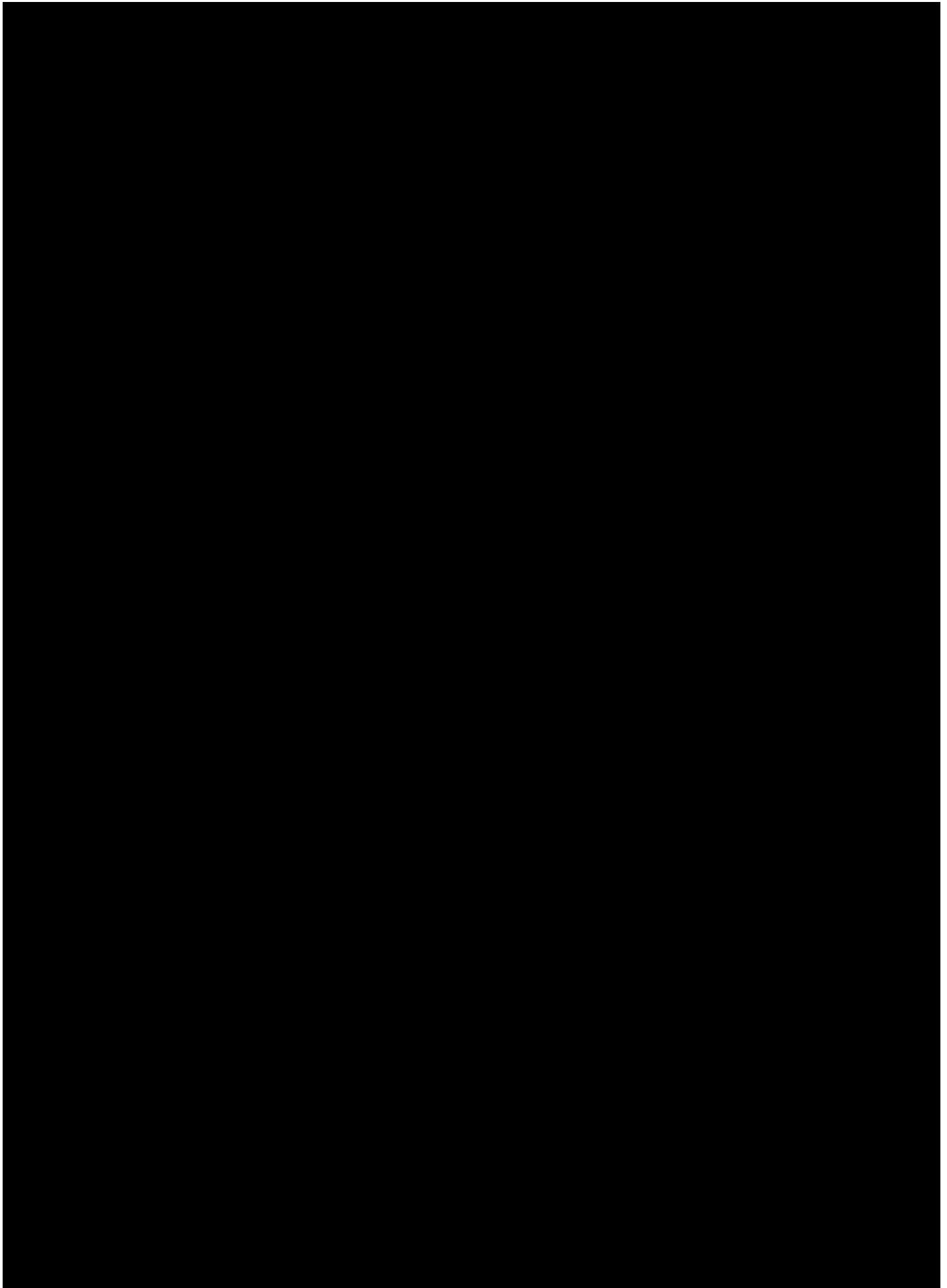
ACKNOWLEDGMENT OF DEPONENT

I, \_\_\_\_\_, do hereby certify that I  
have read the foregoing pages and that the same is a  
correct transcription of the answers given by me to  
the questions therein propounded, except for the  
corrections or changes in form or substance, if any,  
noted in the attached  
Errata Sheet.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

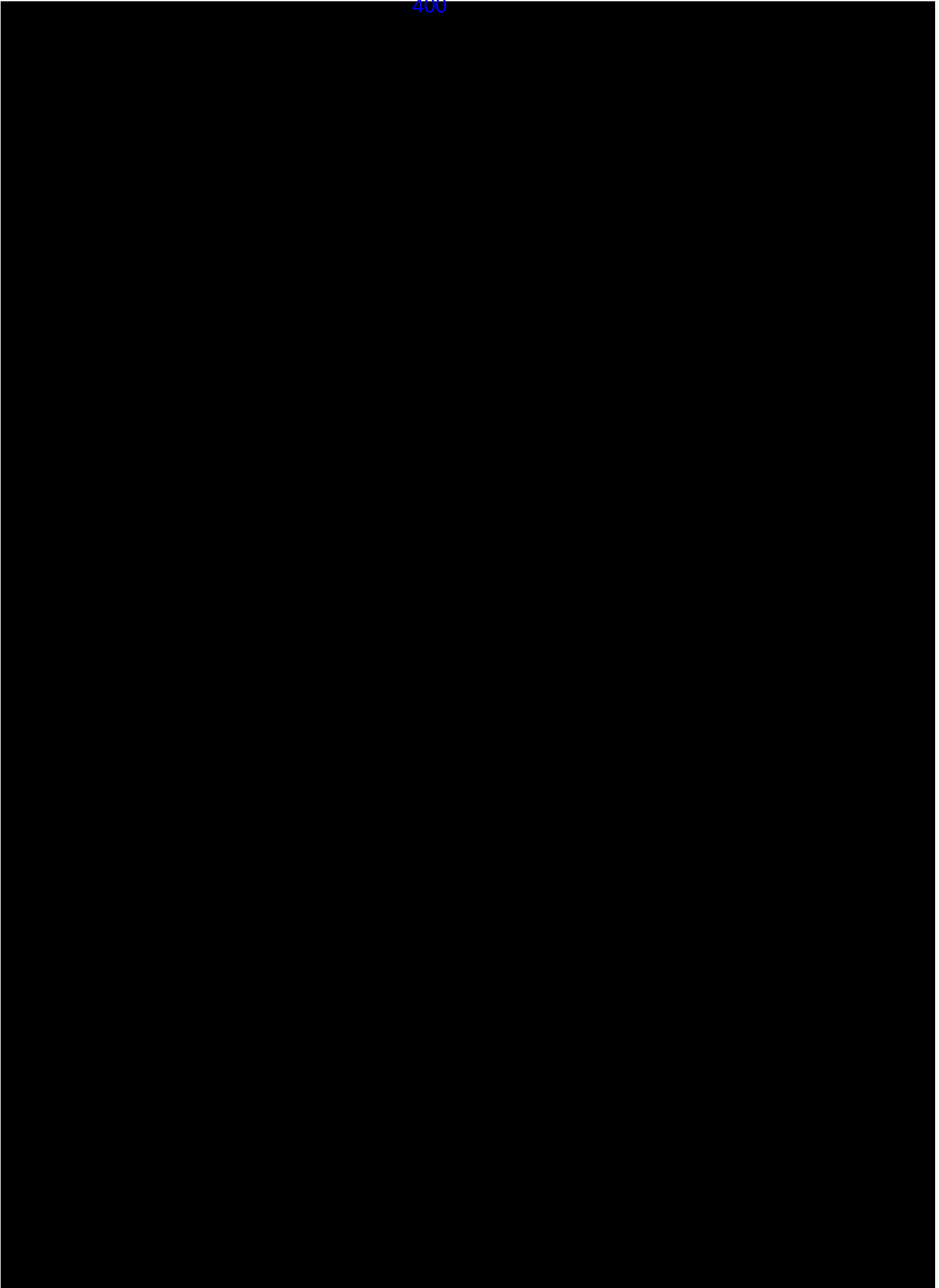
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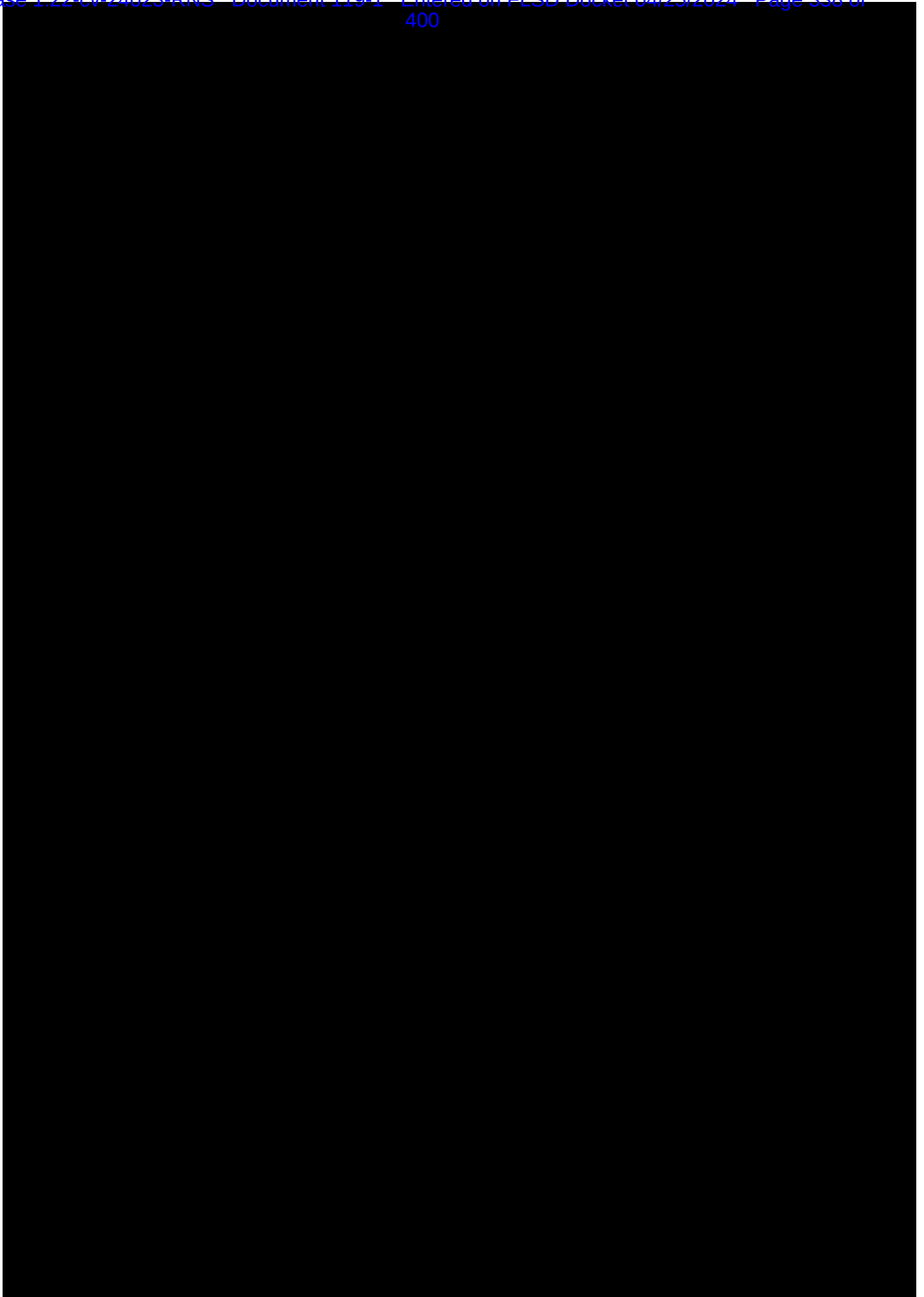


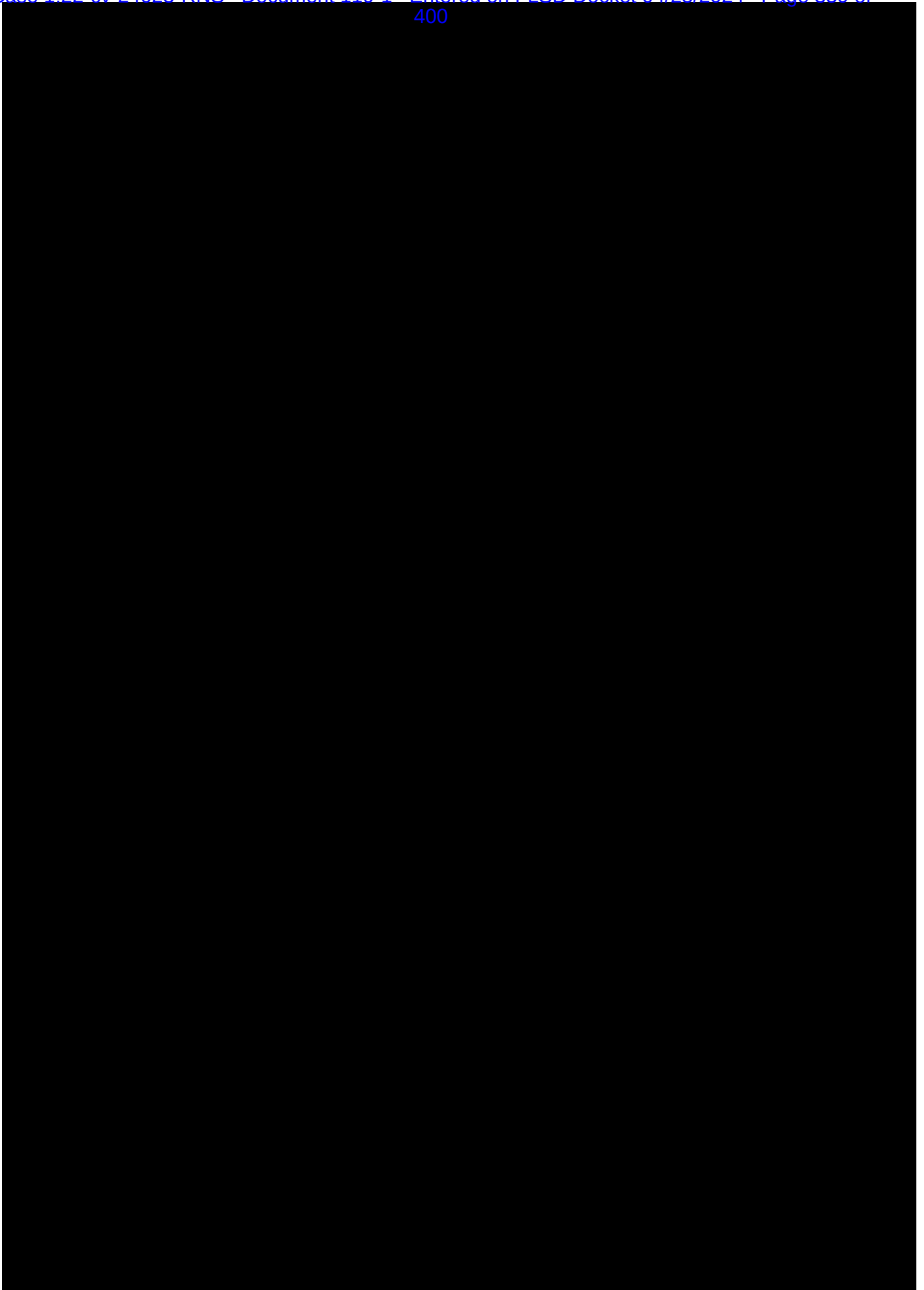


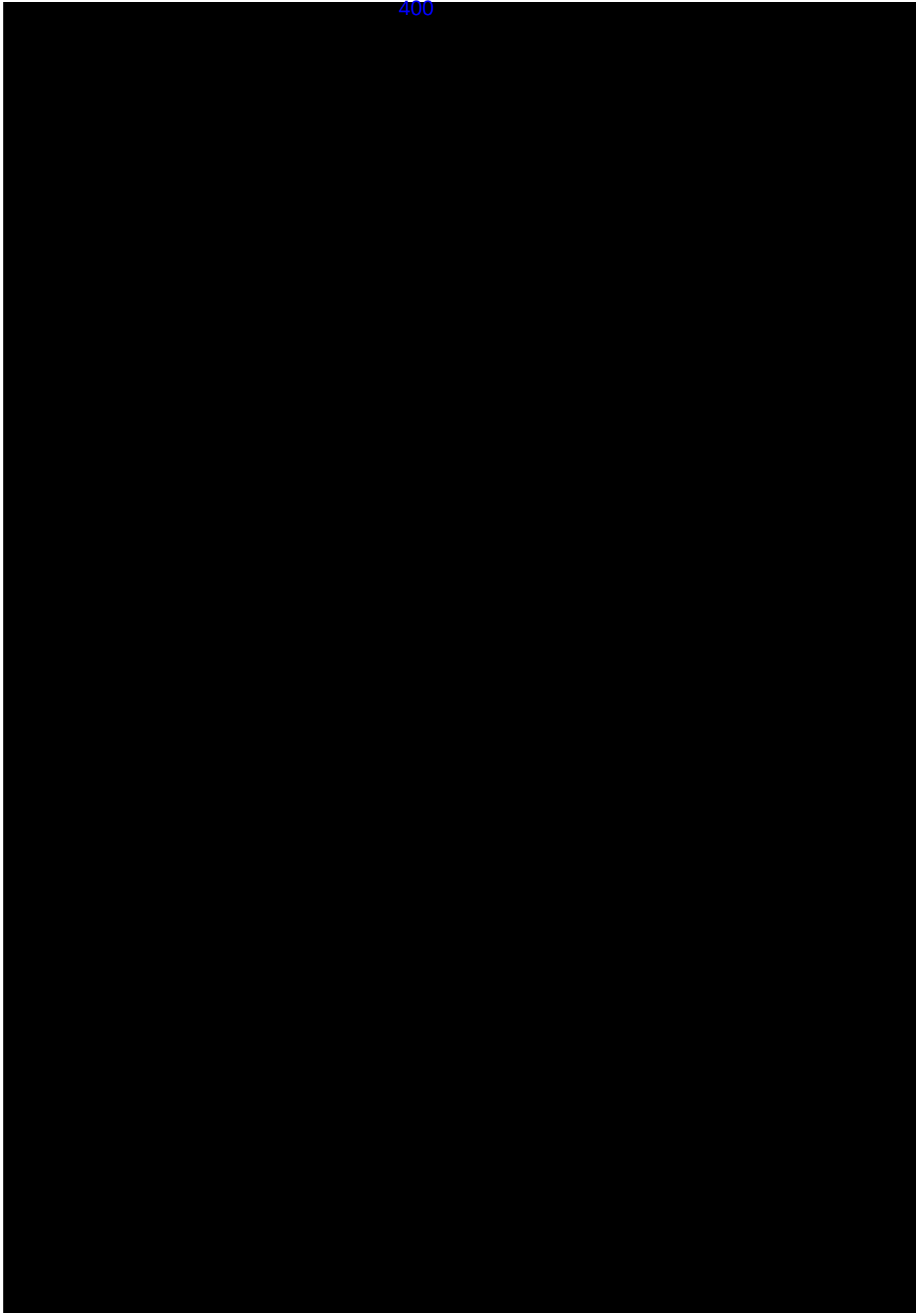








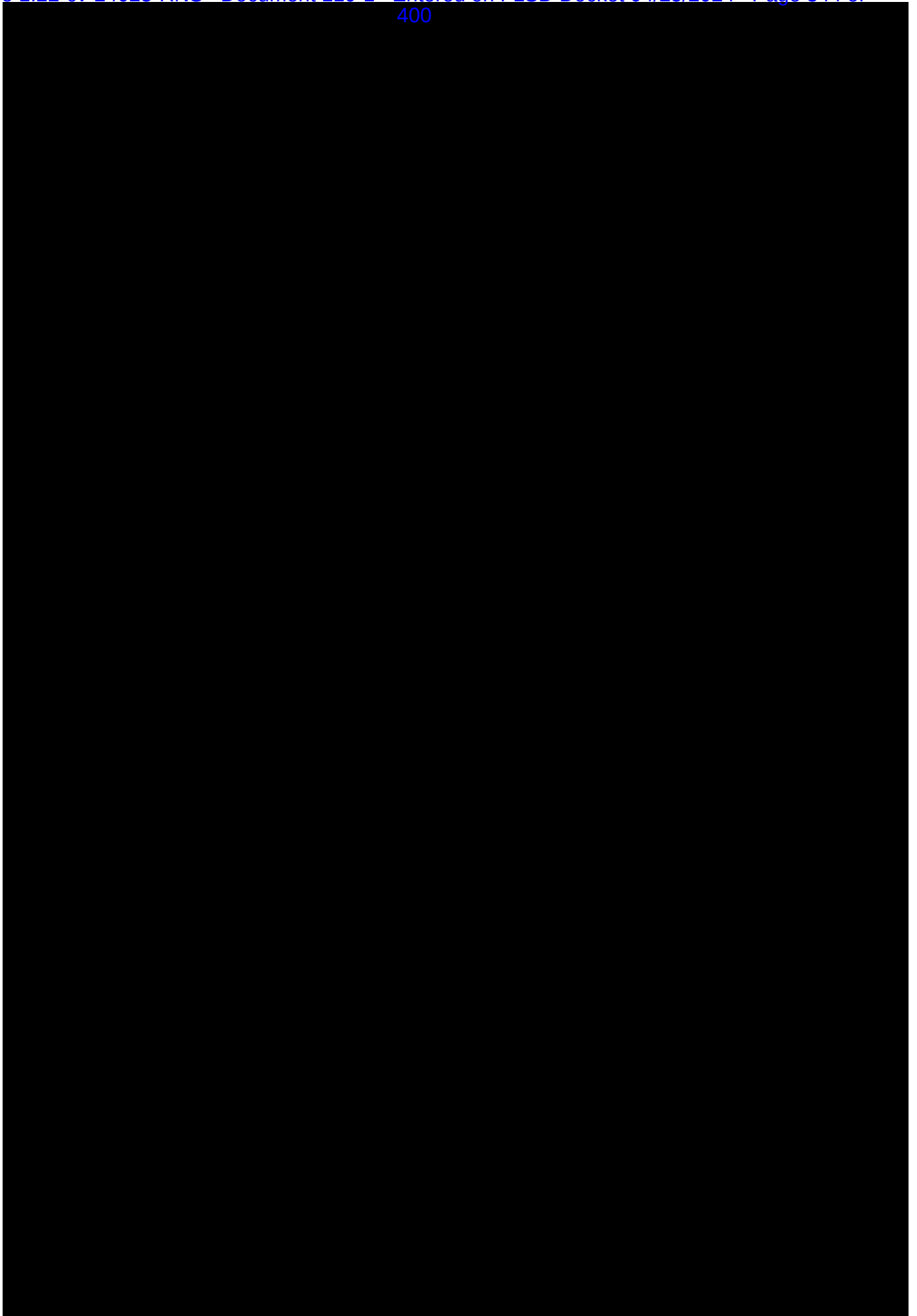




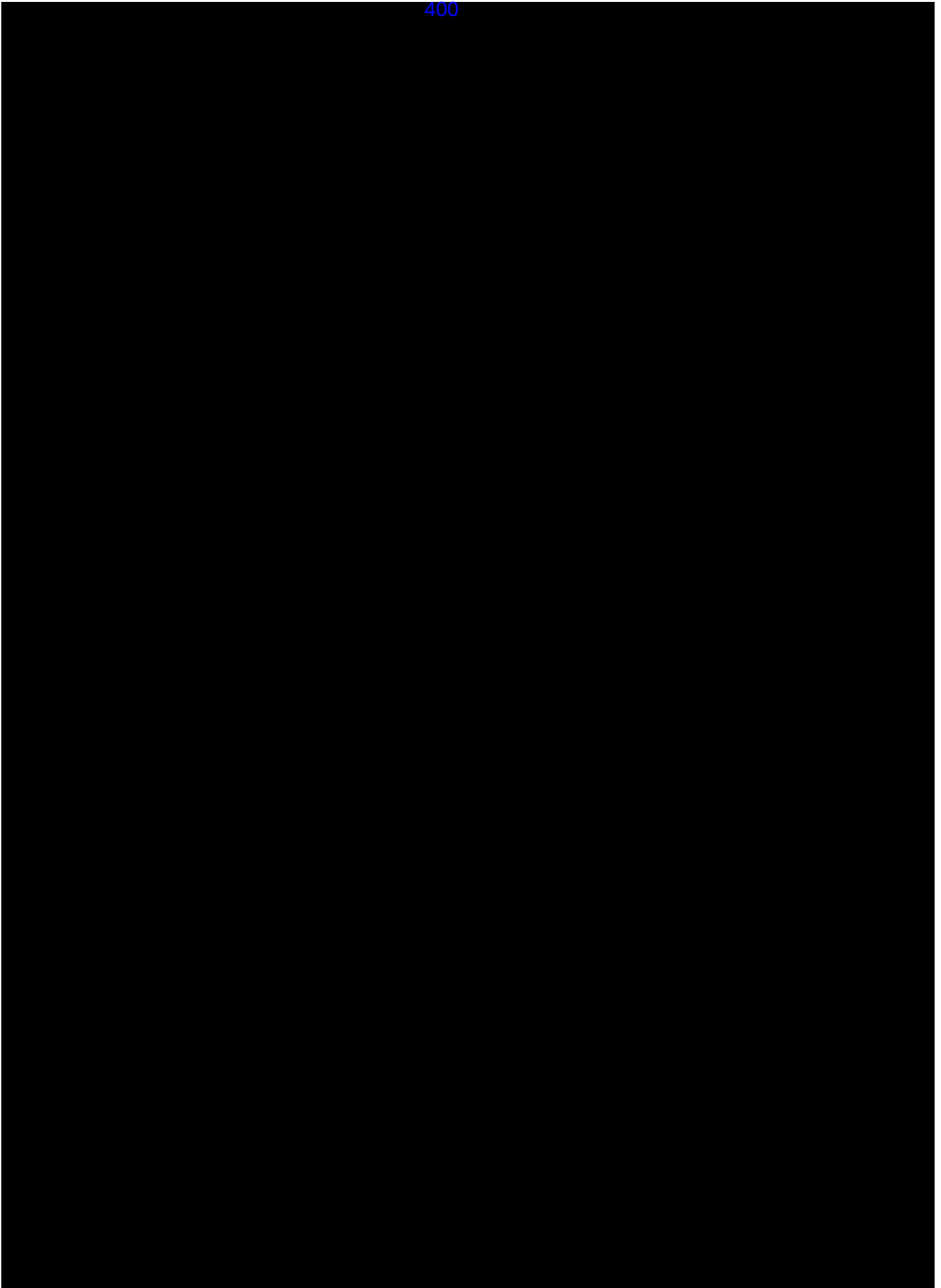






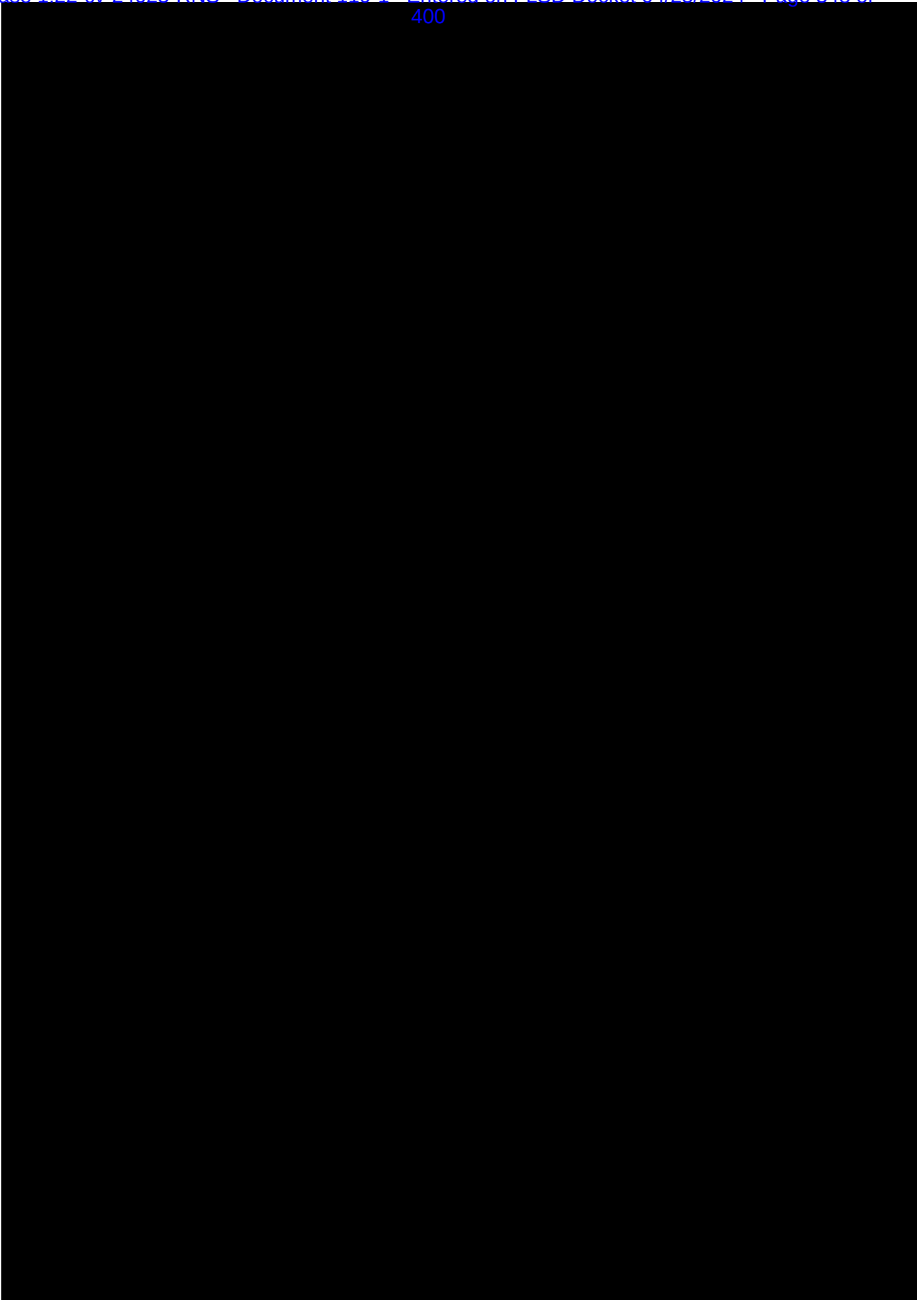


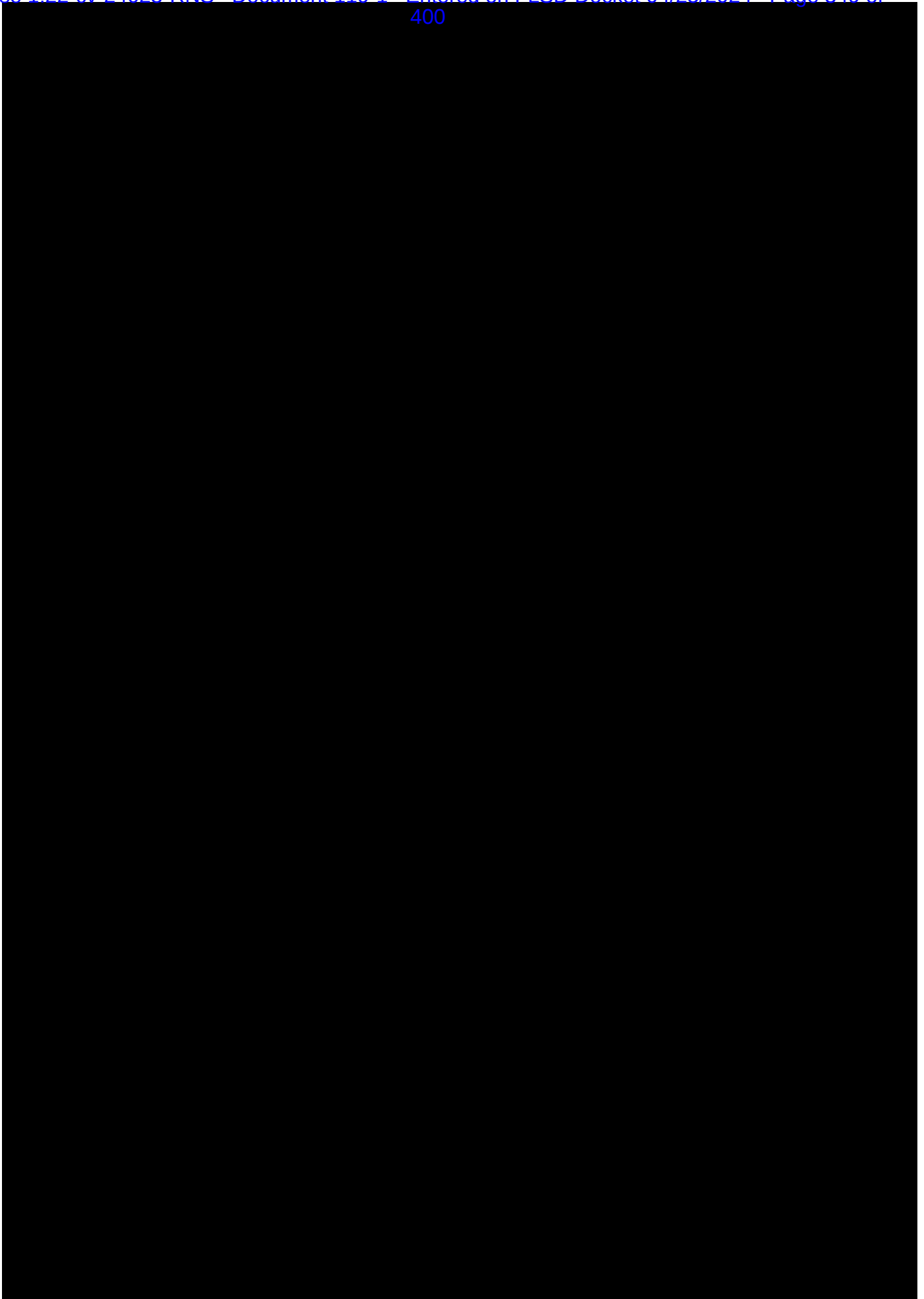






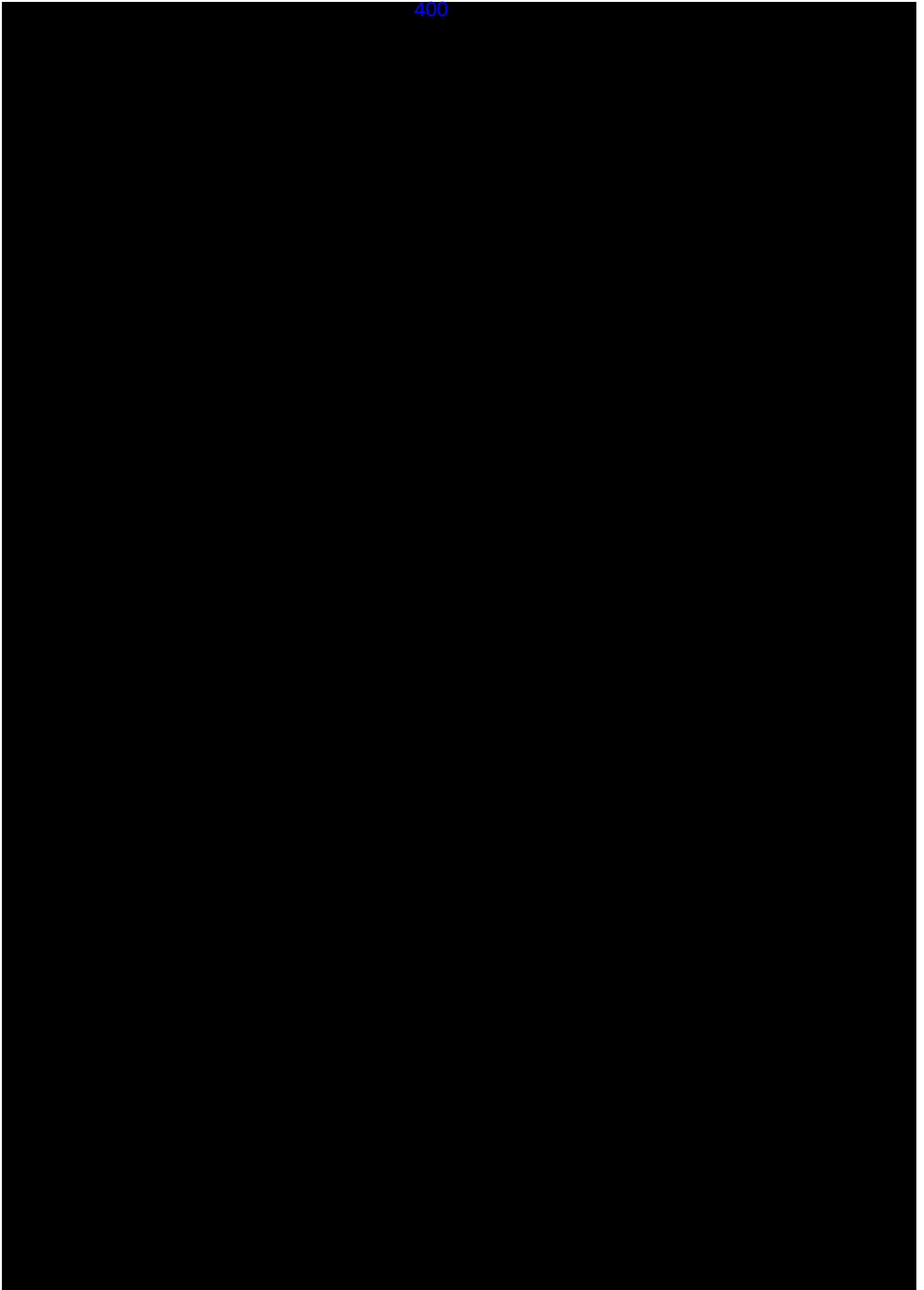






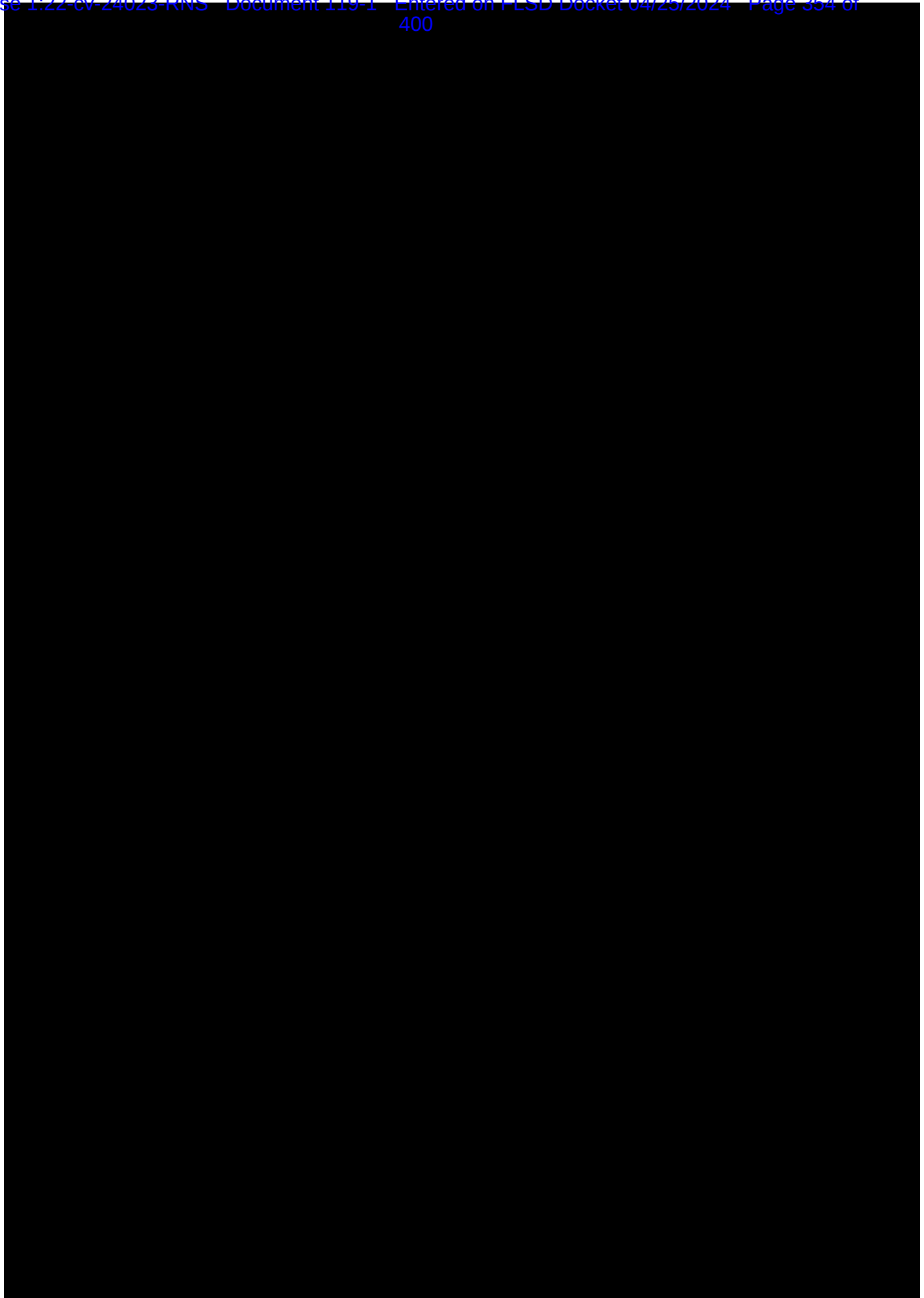


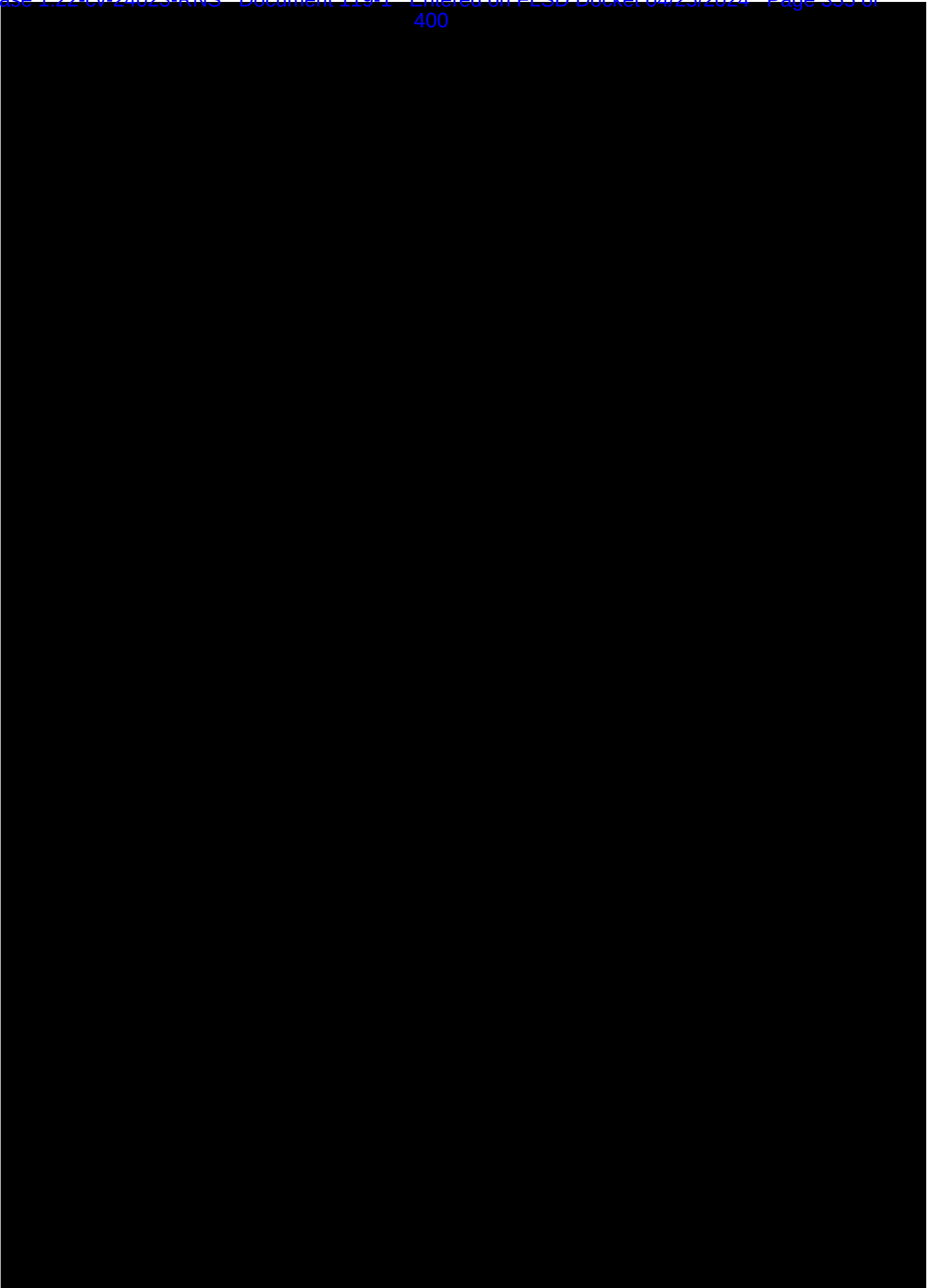


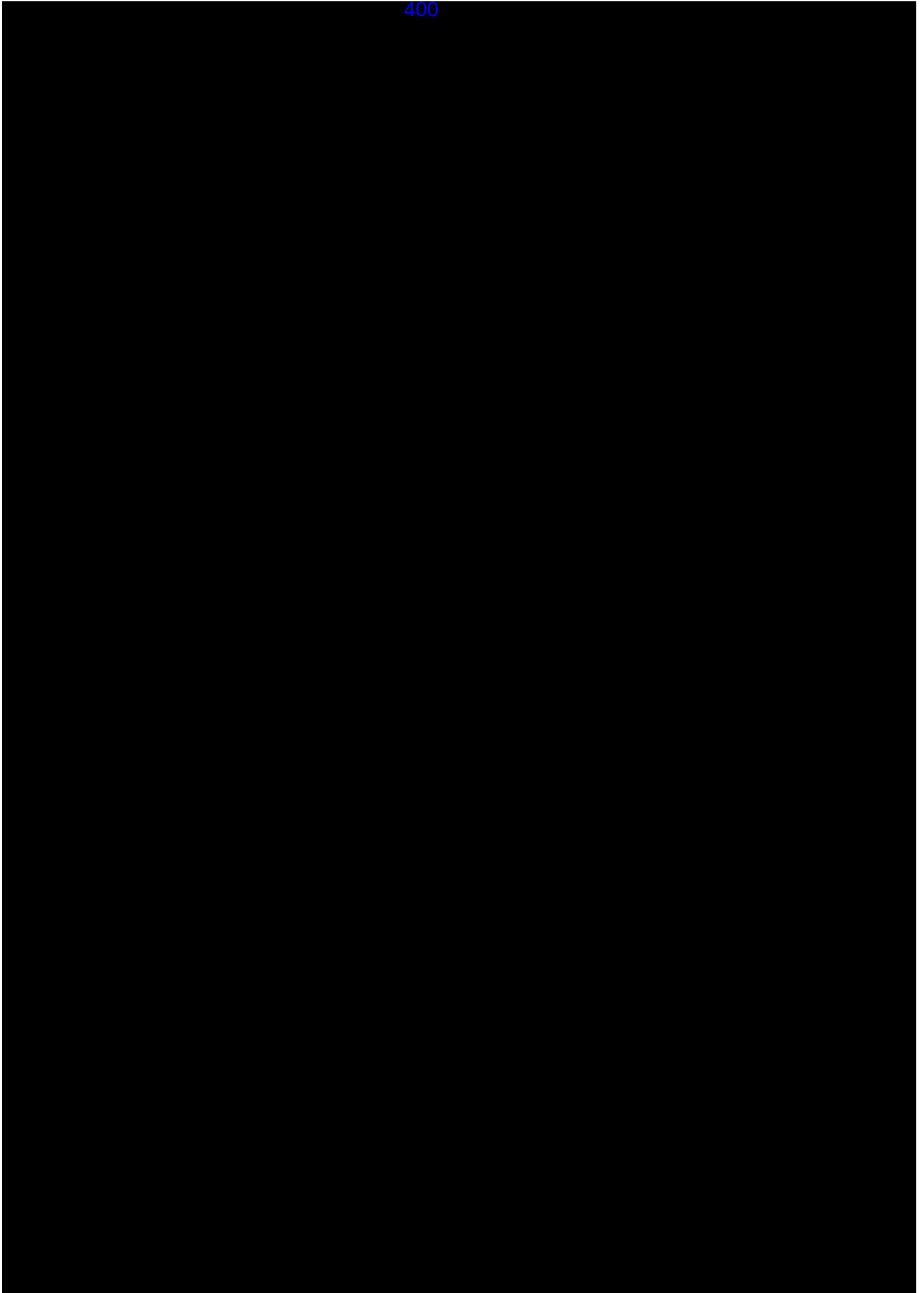


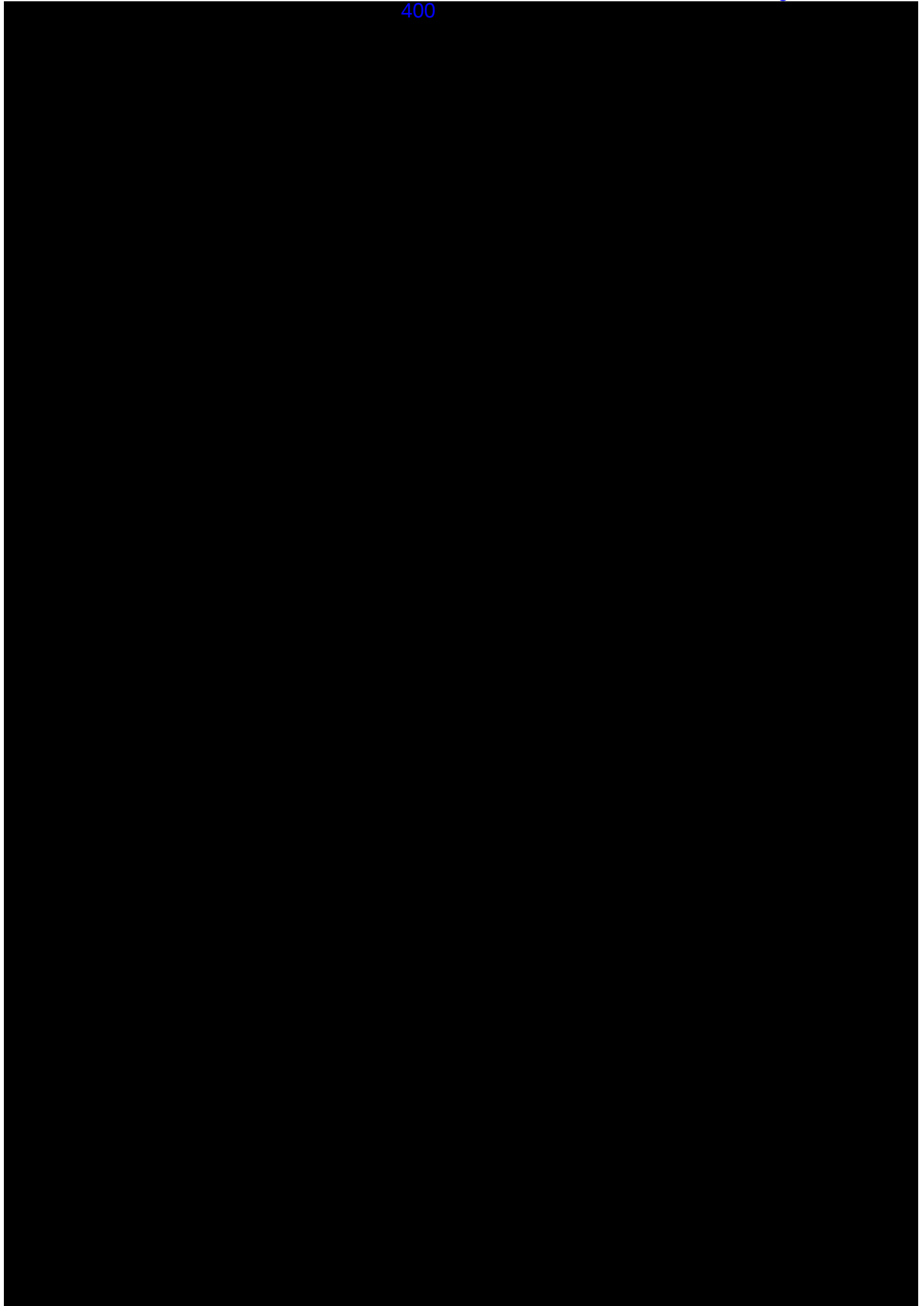




















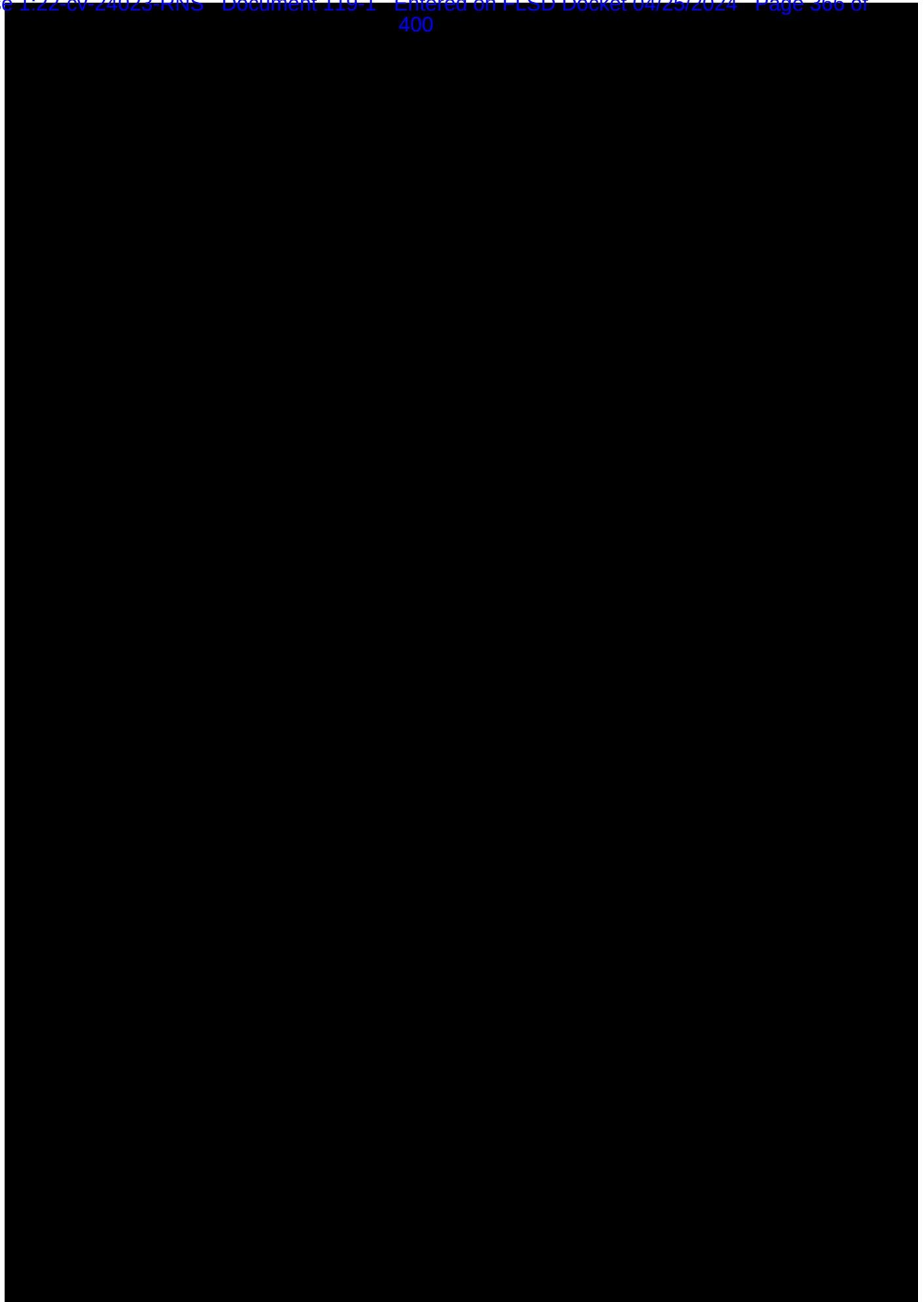


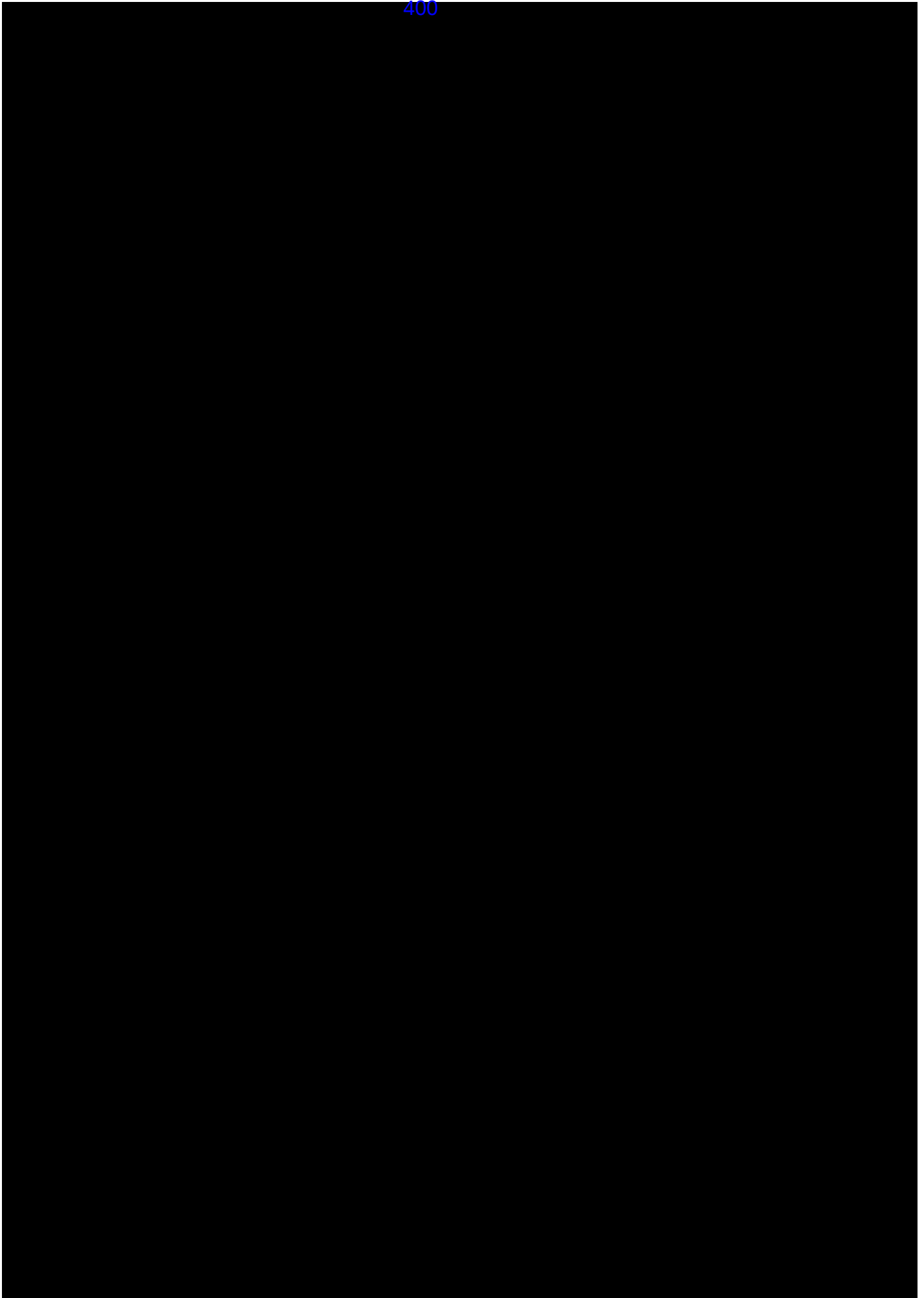


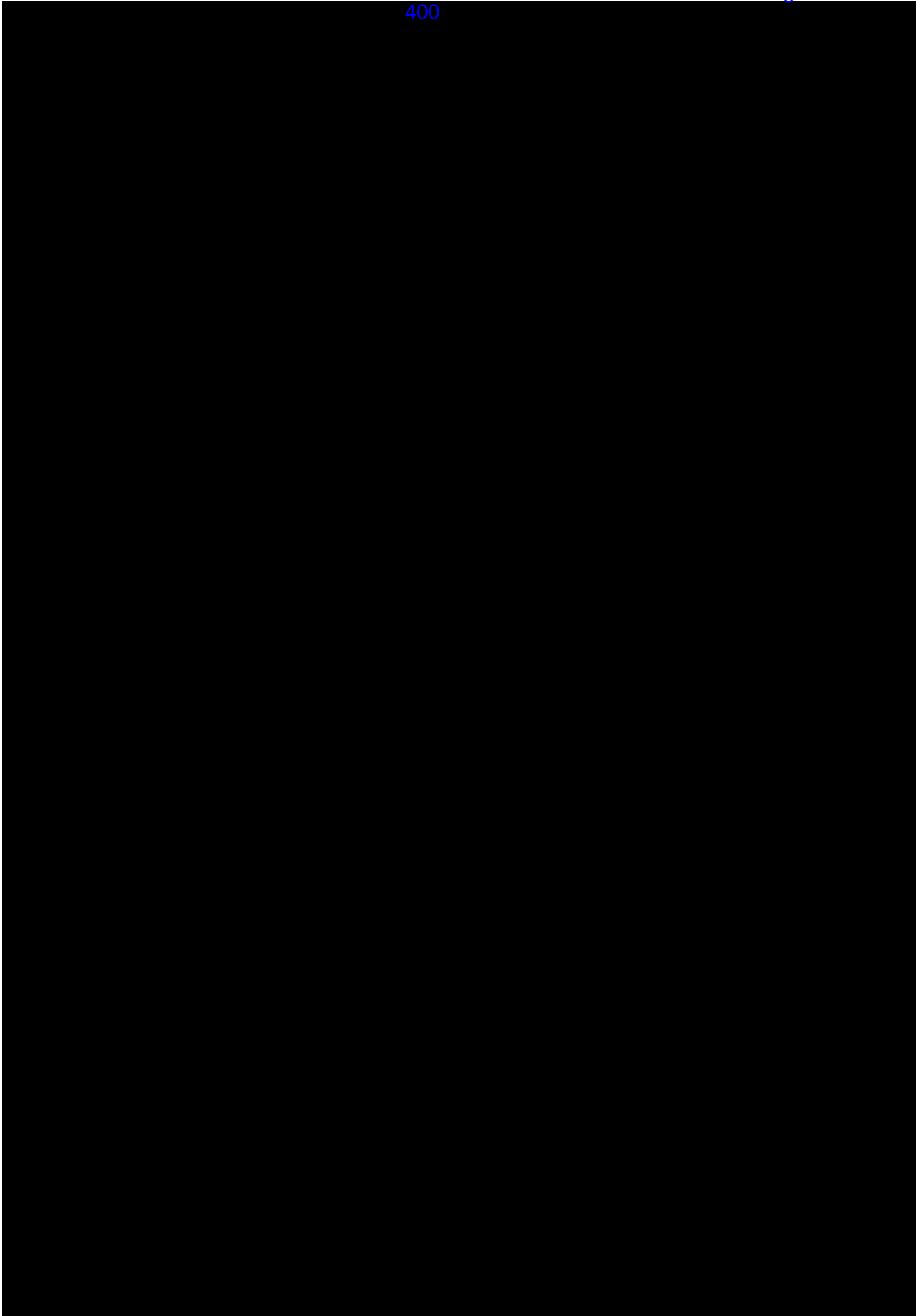








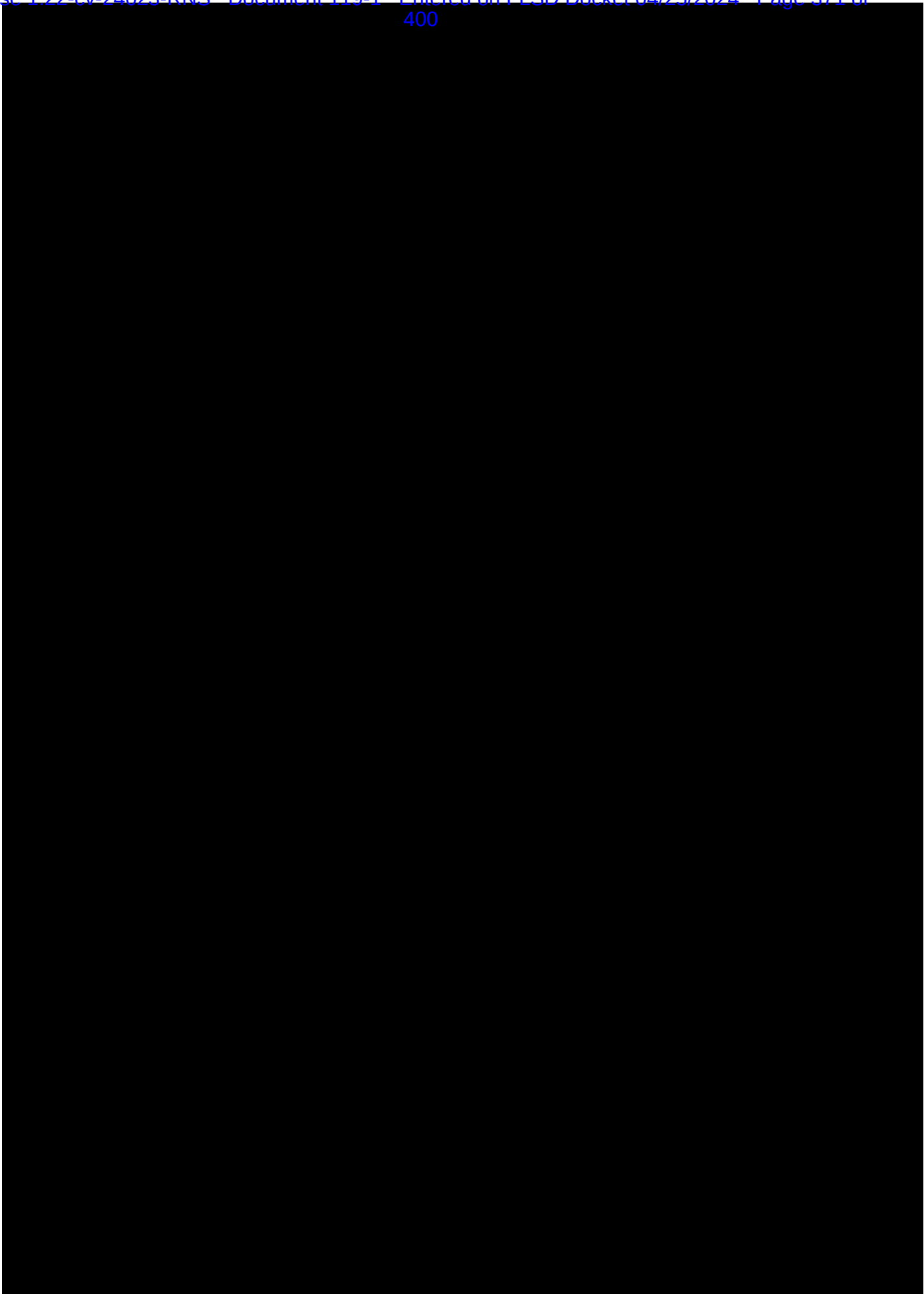


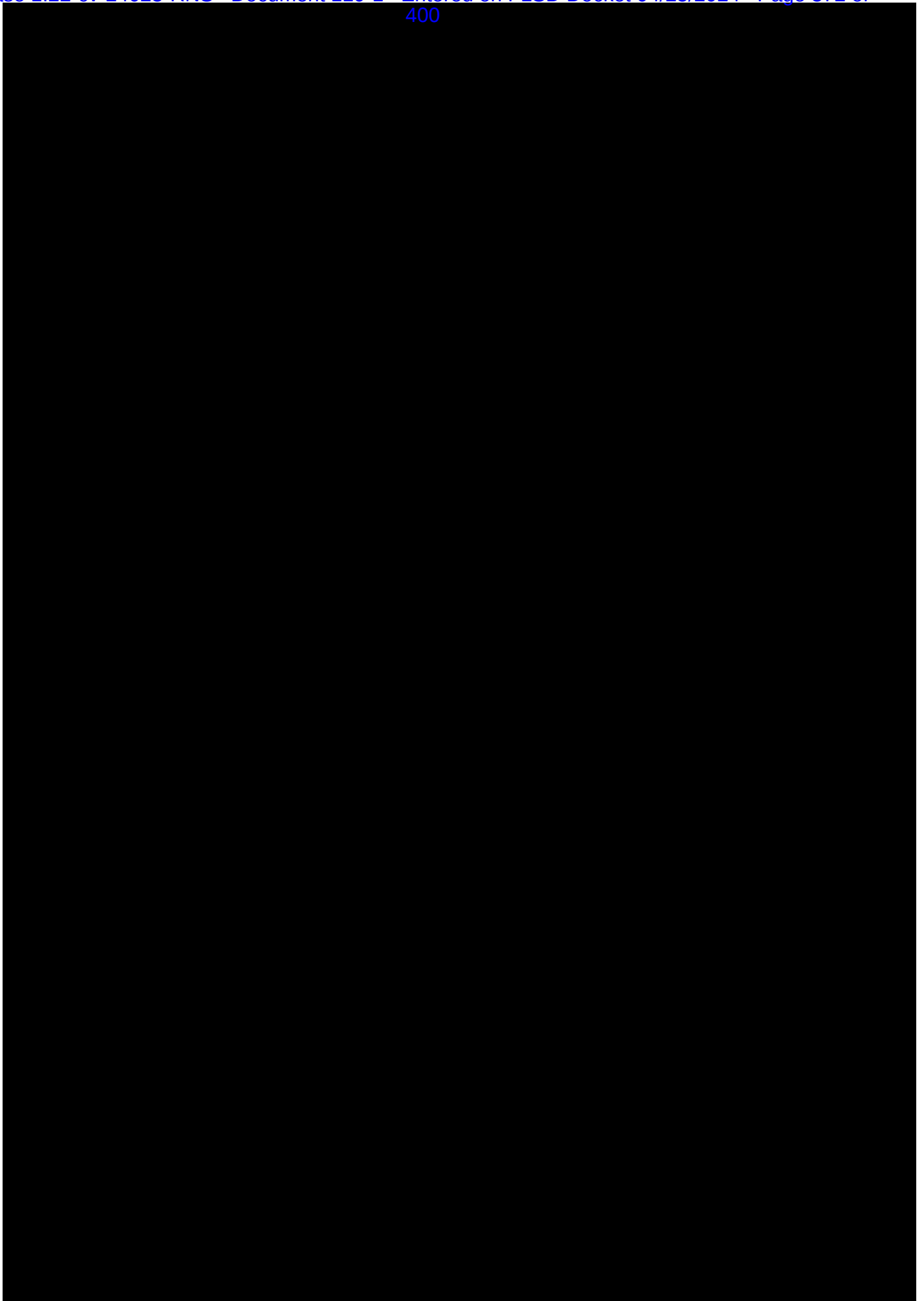












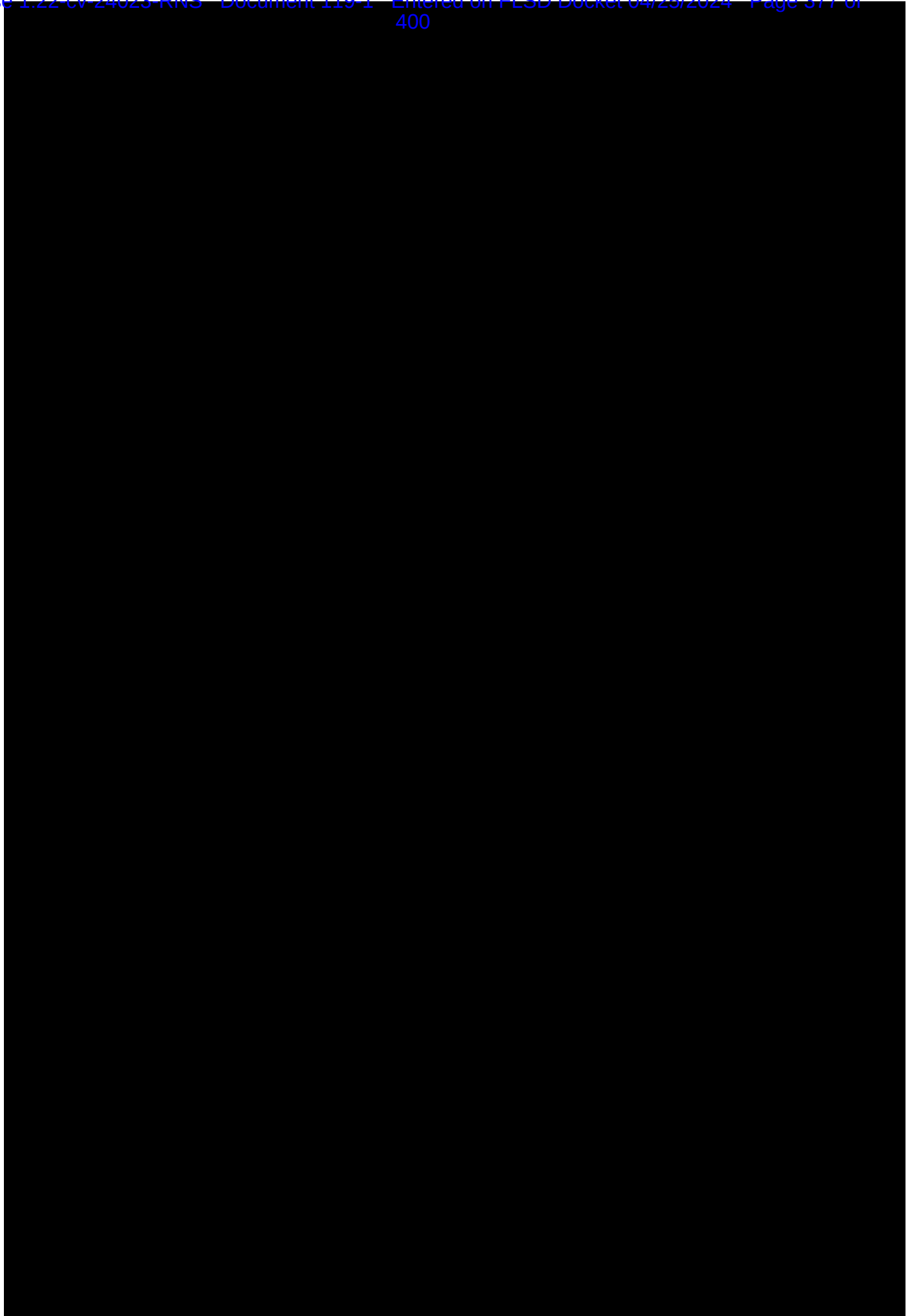


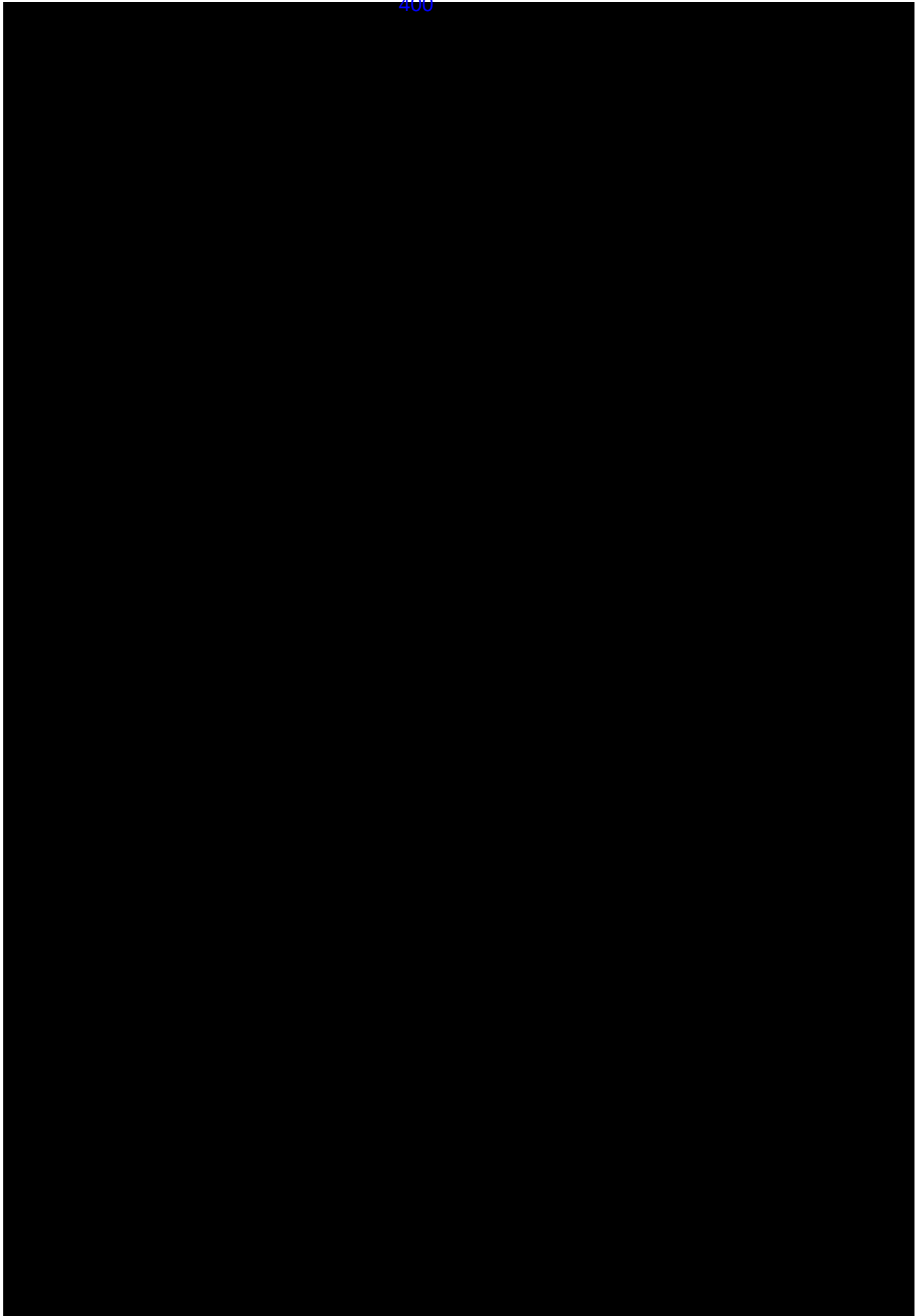


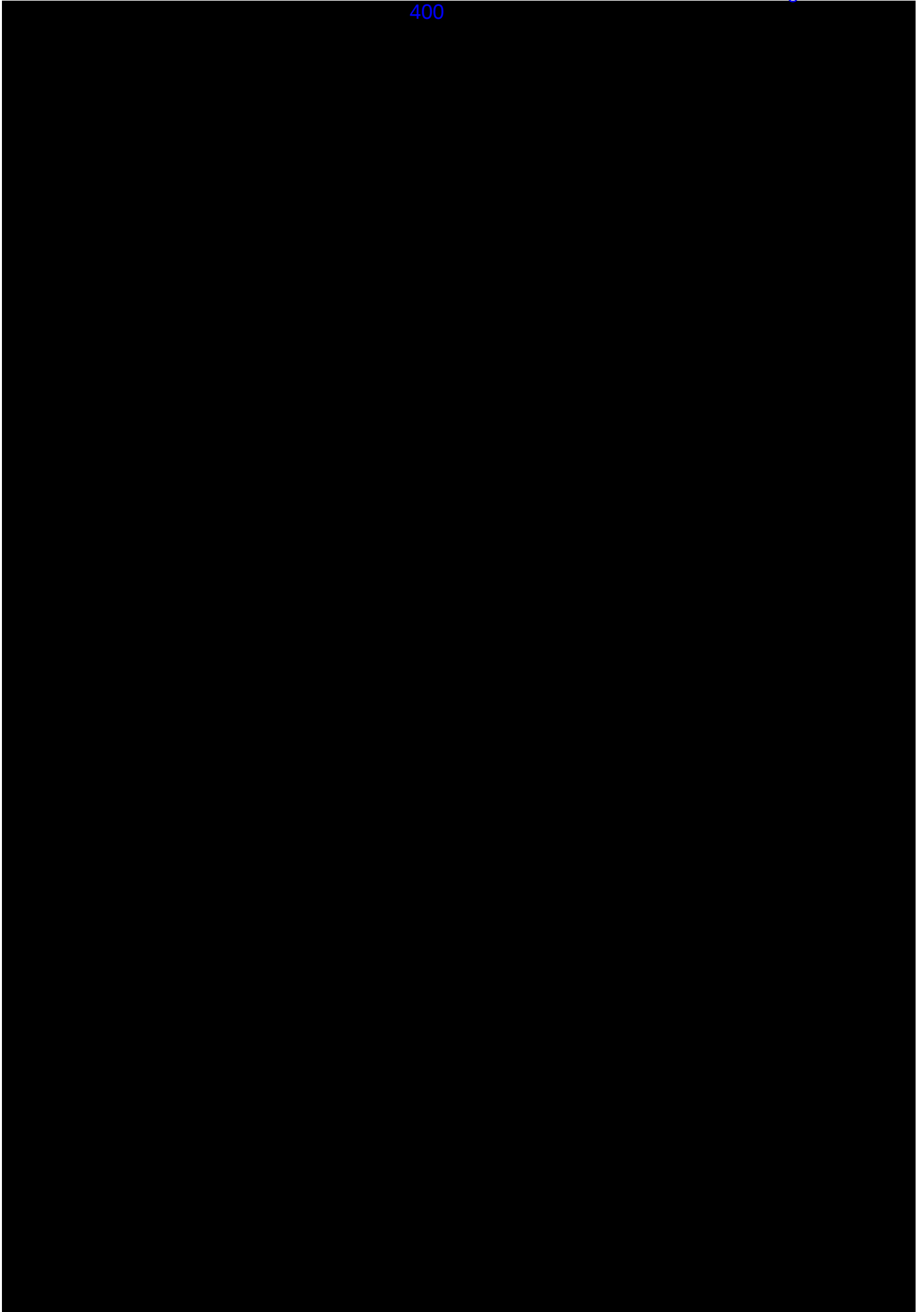




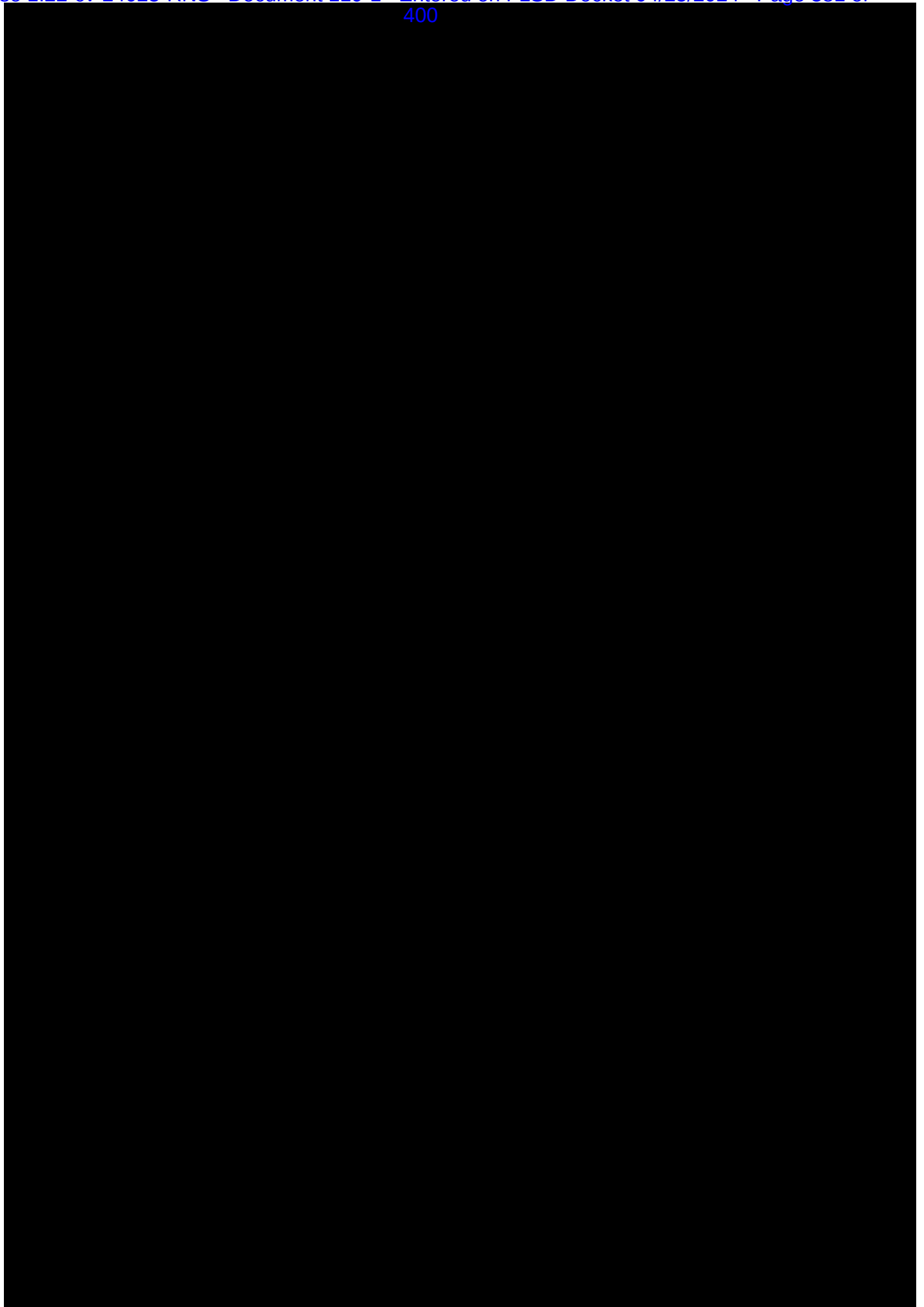


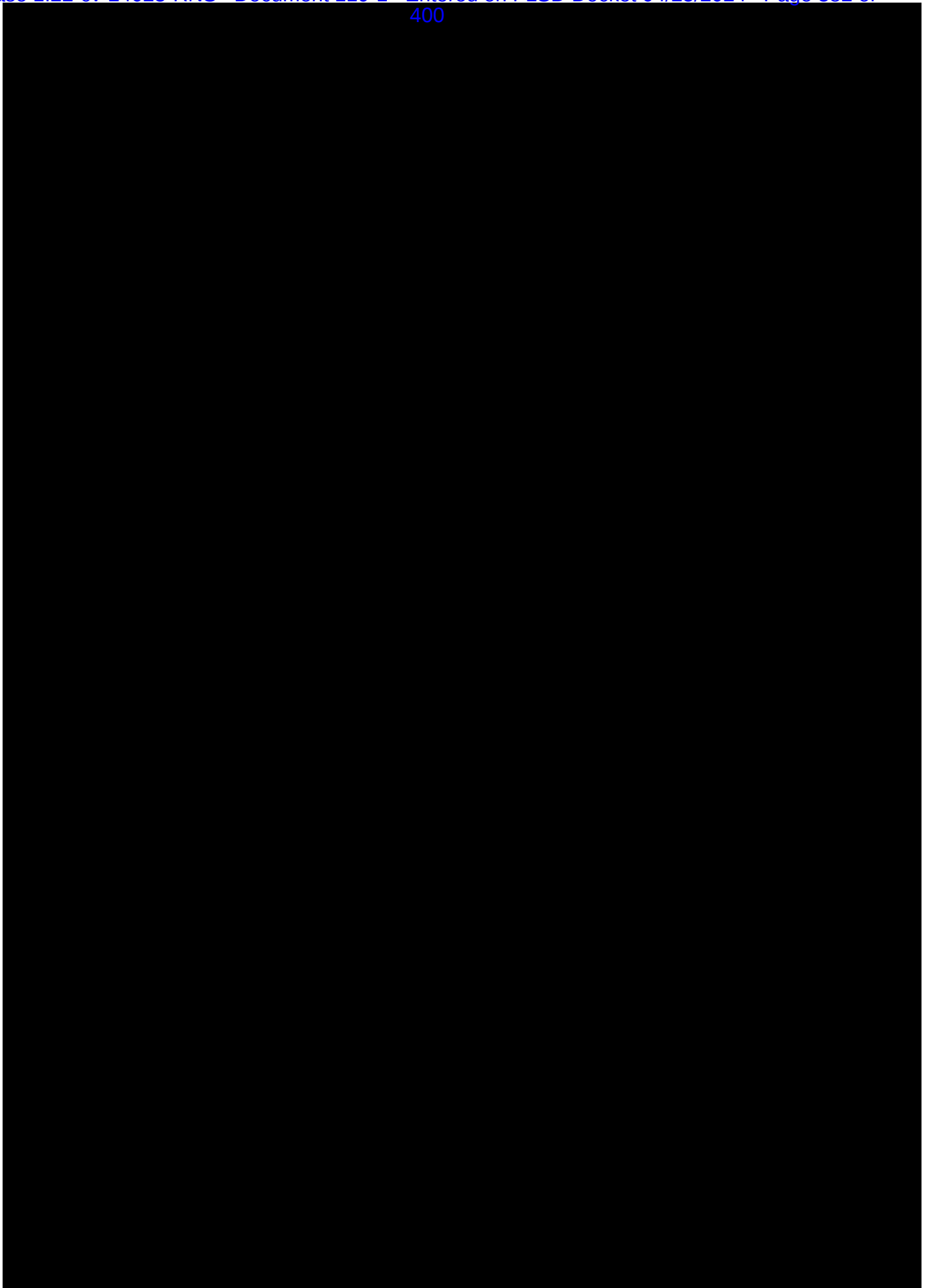


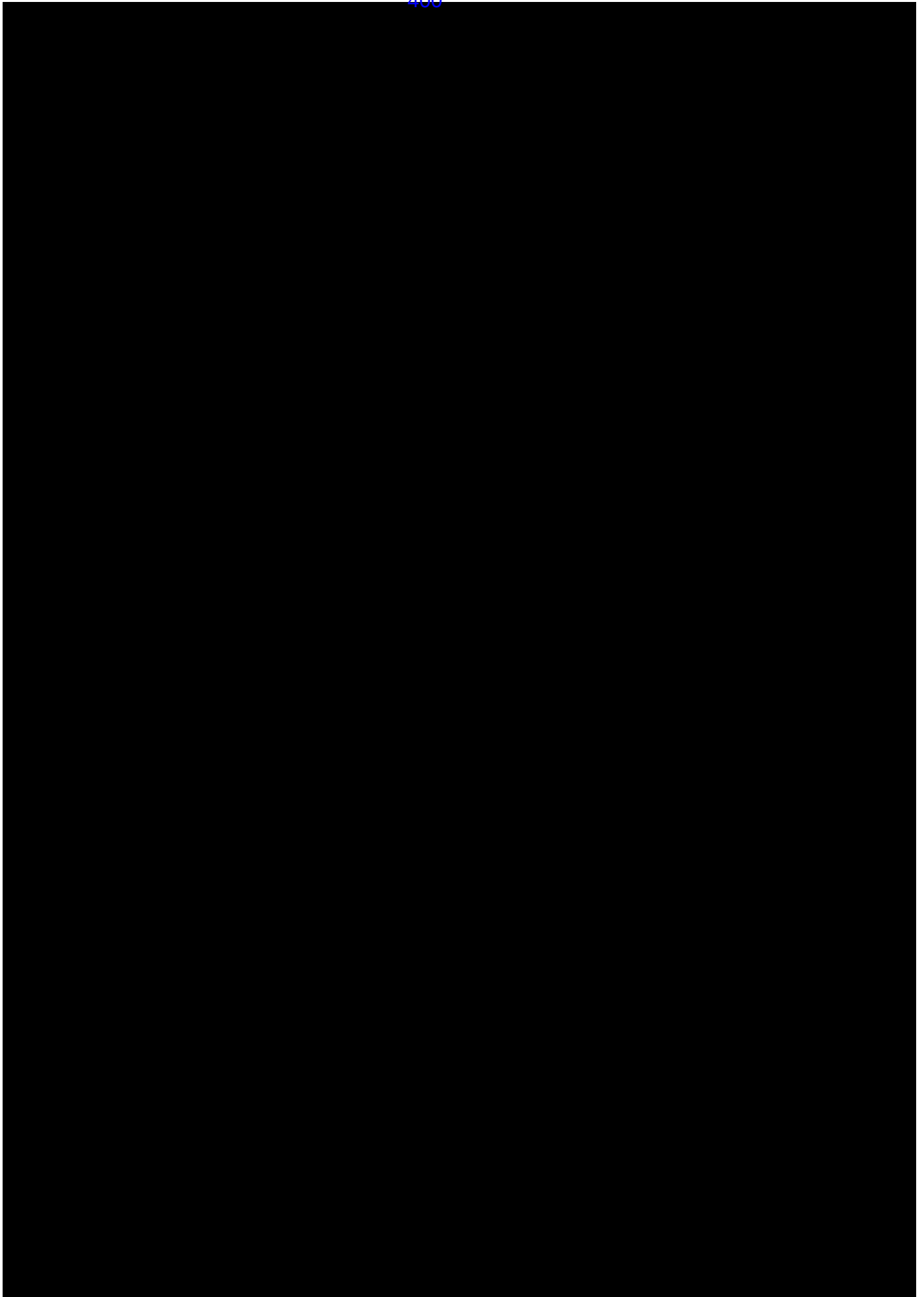












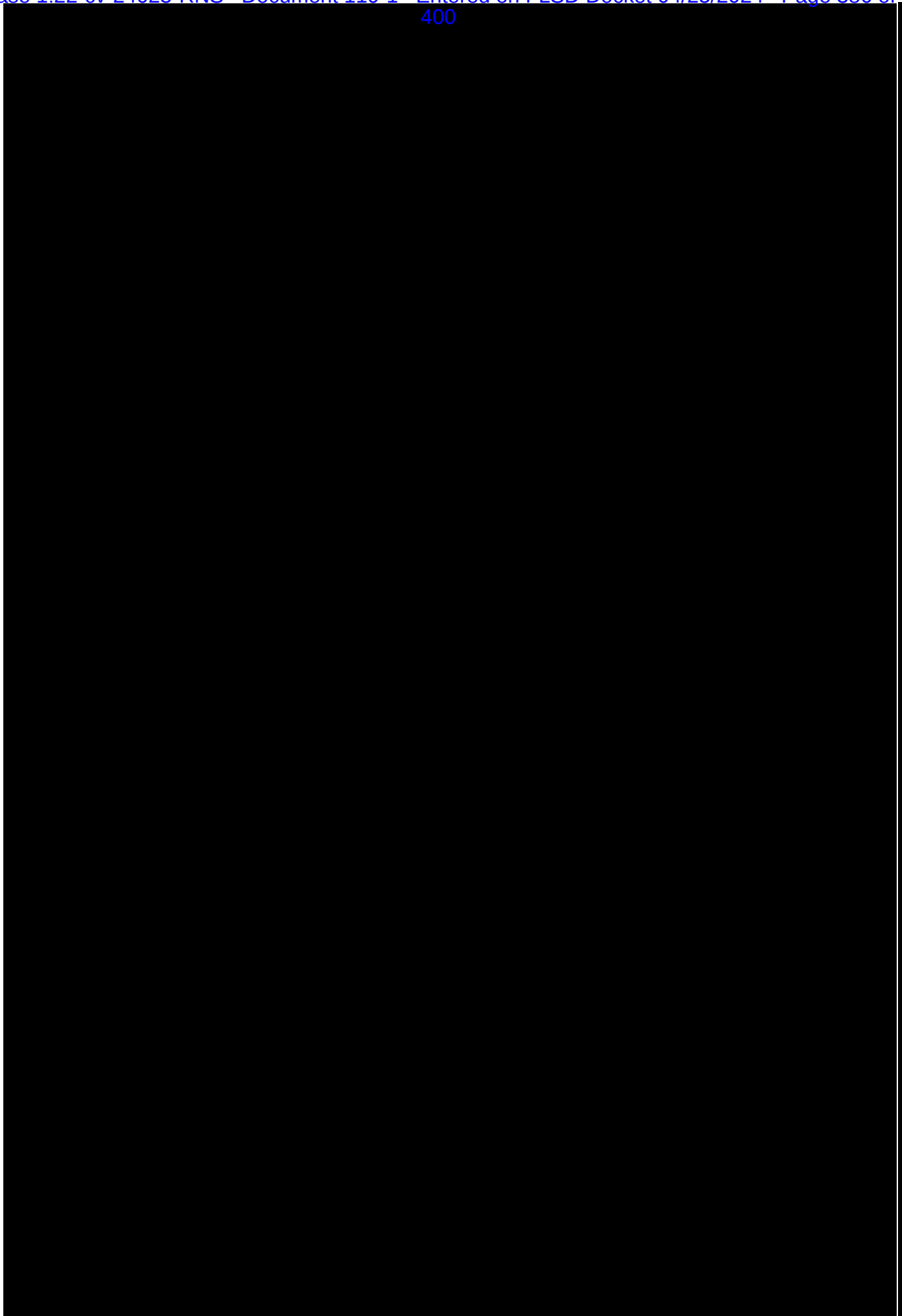
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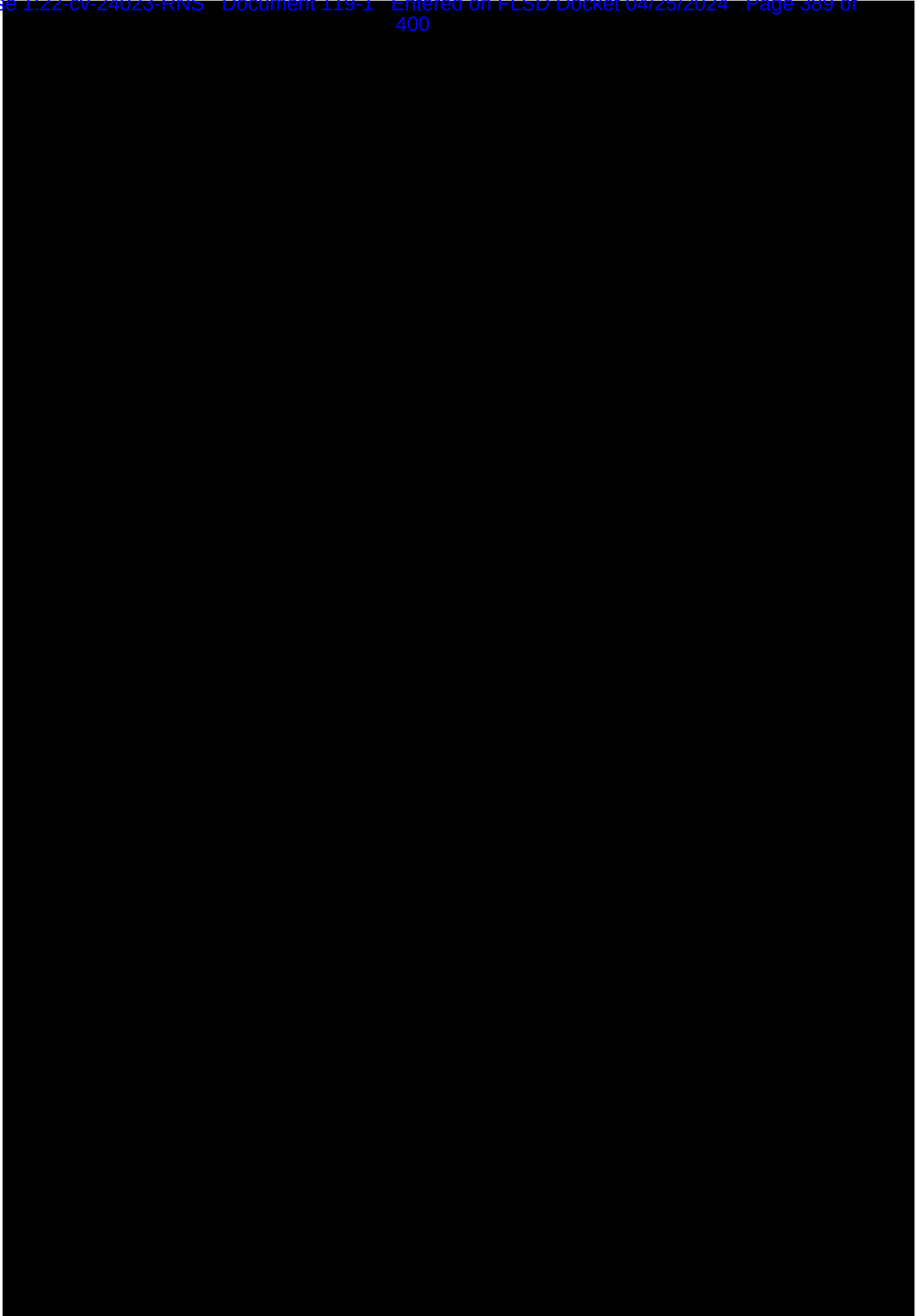


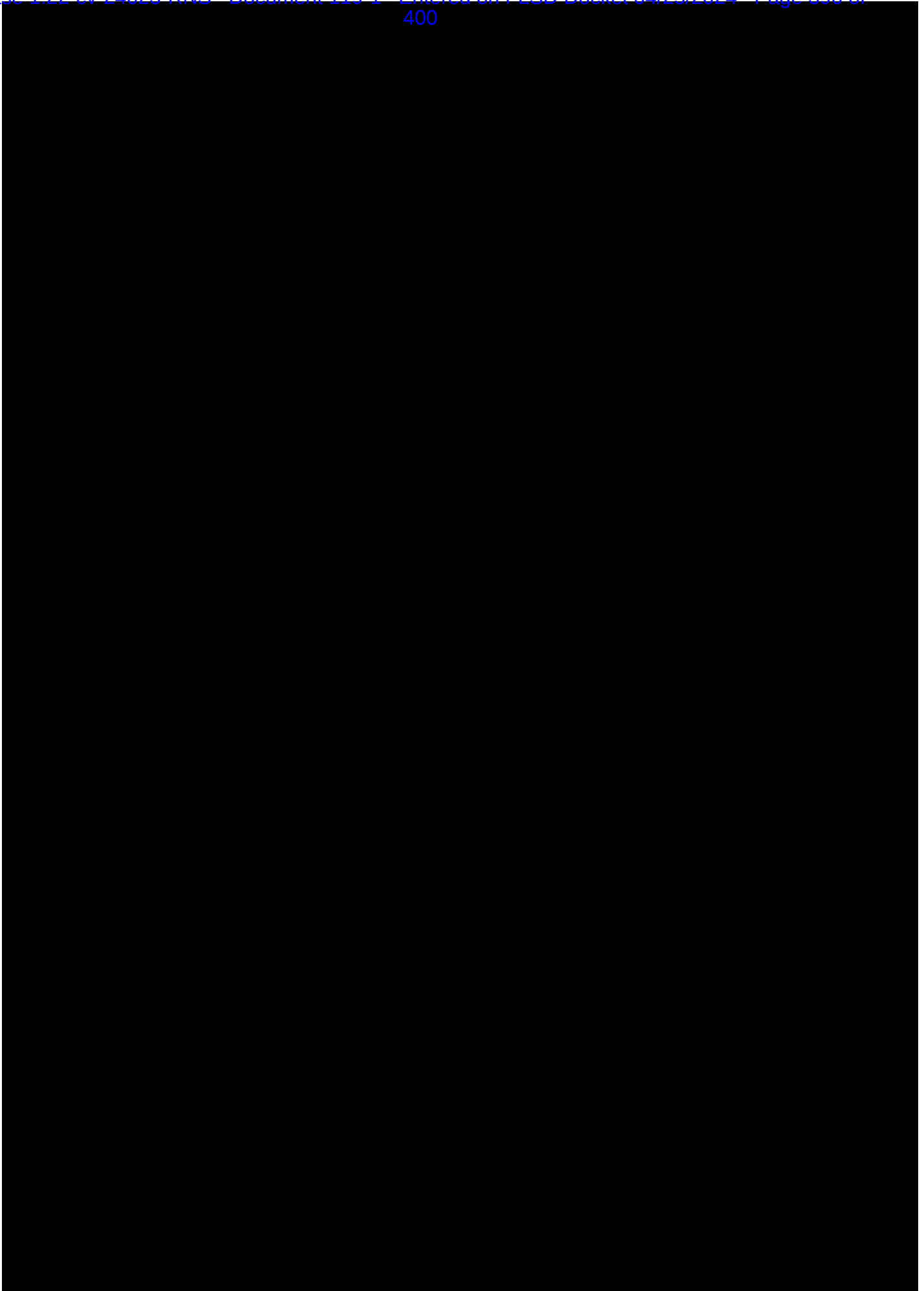


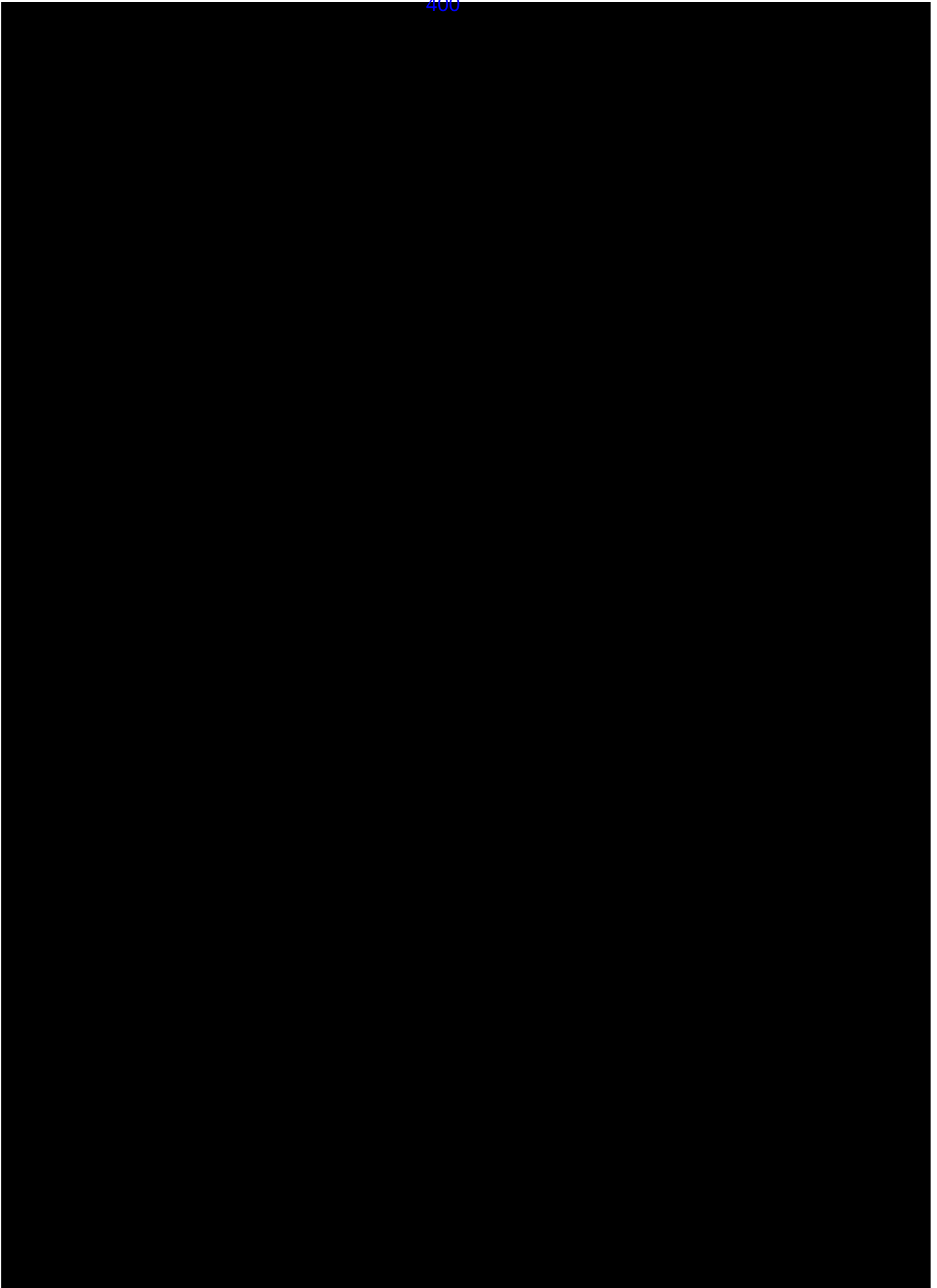










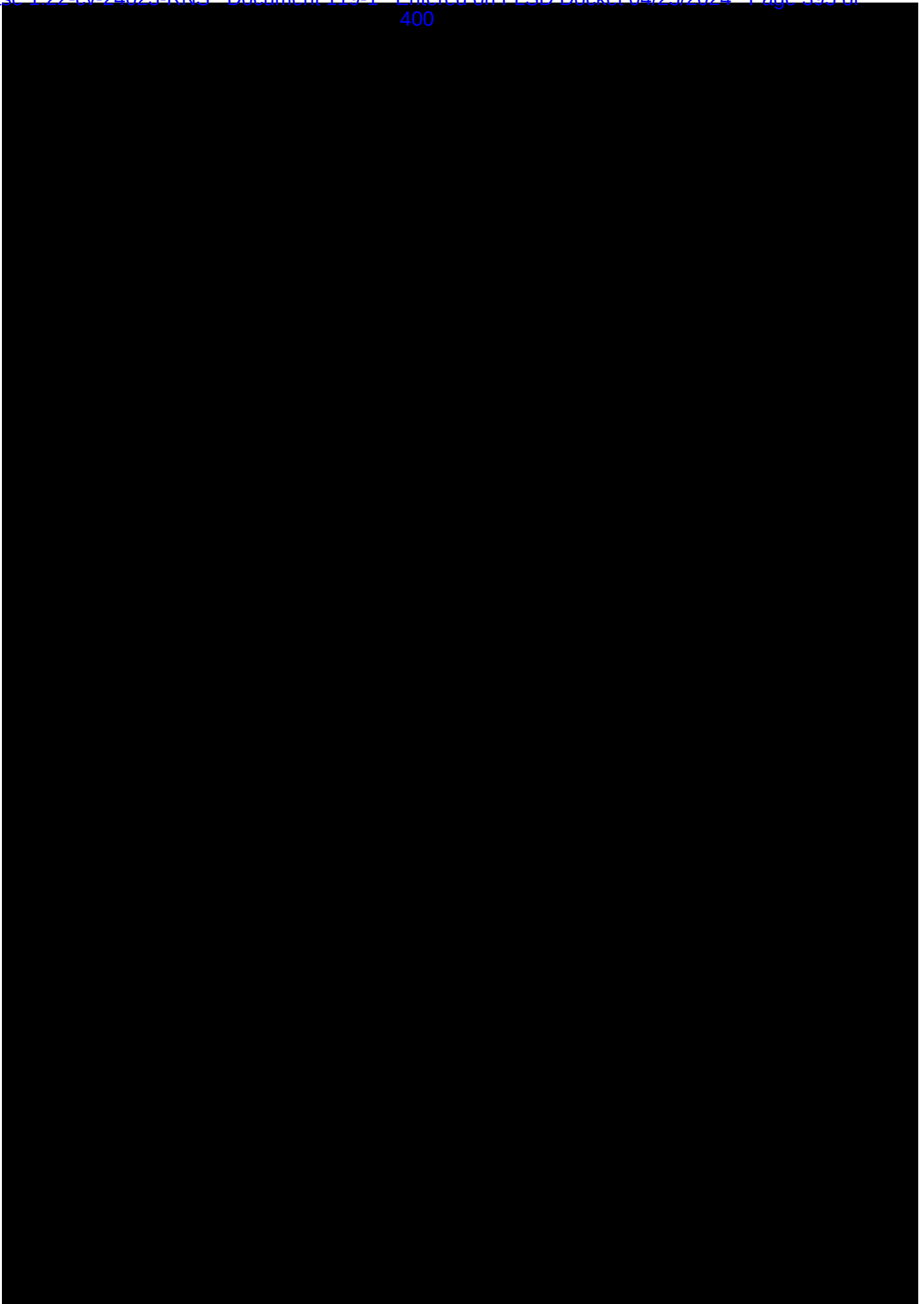
















Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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